

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

AFFIDAVIT

of

TOJO, Hideki  
Individual Defense

Dr. Ichiro Kiyose  
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COUNSEL



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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al)

- vs -

ARAKI, Sadao, et al

AFFIDAVIT OF  
TOJO, Hideki

I, TOJO, Hideki, having been sworn on oath, hereby depose as follows:

1. I was born in Tokyo in 1884, and from 1905 to 1944 served as an army officer, progressing step by step from Cadet to General, strictly according to the rules regarding promotion on the usual seniority basis, and subject to all the regulations of the Japanese Army pertaining to my profession. I had no participation in politics whatsoever until July 1940, when, upon the formation of the Second KONOYE Cabinet, on 22 July, 1940, I was appointed Minister of War, (my rank at that time being Lieutenant General) and I was again selected for that portfolio in the Third KONOYE Cabinet, dating from 18 July 1941. On 18 October 1941 I received the Imperial Mandate to form a Cabinet and accepted, as any loyal subject would have done, holding at the outset the portfolios of Prime Minister, War Minister and Home Minister concurrently. (I was promoted to the rank of full General as of that date.) On 17 February 1942 I was relieved of the portfolio of Home Minister but subsequently held the



portfolios of Foreign Minister, Minister of Education, Minister of Commerce and Industry, and Minister for Munitions. In February 1944, I was appointed Chief of the Army General Staff. With the resignation en bloc of my cabinet on 22 July 1944 I was relieved of all public office and placed on the reserve list. Since that date I have held no public position of any description. I was placed in a place of political responsibility on 22 July 1940 and, ironically, relieved by chance on the same date, 22 July, four years later.

2. I shall testify concerning those matters which took place during the period I held positions of political responsibility, and which I believe are pertinent to and of informative value to this Tribunal. I wish to emphasize at this point that whenever I employ the terms, "of responsibility", or, "when I was in a position of responsibility", in the subsequent paragraphs, and in my interrogations, I mean that those events or actions referred to fell within my administrative jurisdiction, and, consequently, I was in the position of being answerable for them politically, but at no time do these terms when used by me admit of any legal or criminal responsibility.

3. There is just one point involving the period prior to July 1940 which may require explanation, and that is, the telegram of 9 June 1937 (Ex. 672). I do not deny that I dispatched the telegram as Chief of Staff of the Kwantung Army to the Vice-Minister of



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War and Vice-Chief of General Staff. However, the text of that telegram as stated on page 104 of Prosecution document 0003 is obscure and is in a sense downright distorted. The Prosecution says that my words were "in reference to operations for the war against the U.S.S.R.", but the text of that telegram actually read "from the point of view of military preparations against Soviet Russia."

The author of that summary, also, proceeds on the supposition that I used the phrase "deliver a blow against China by attacking Nanking", but in reality the language used in the above telegram is "deliver a blow first of all upon the Nanking regime". (The above corrections are based on the translation used by the Prosecution when it introduced this telegram into evidence so the false or mistaken accusations surprise me.)

This telegram was dispatched by the Chief of Staff of the Kwantung Army, who had the responsibility of protecting Manchukuo against a Soviet attack and preserving peace and order in Manchuria. The fact that it had not been communicated by the Commander of the Kwantung Army to either the War Minister or the Chief of the Army General Staff shows that it had no substantial political importance, but was merely in the nature of a liaison affair between subordinate officials.

At that time an active anti-Japanese movement was sweeping over all China; in the Peiping-Tientsin area, especially, the menace of the Chinese Communist Party,



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which publicly professed to fight against Japan, and the intrigues of these Chinese Communists and other Anti-Japanese Groups had become so intense that the Japanese residents in the area were exposed to imminent danger, and assaults on their lives and properties were expected momentarily. It was judged, therefore, that if the condition was not relieved a recurrence of such incidents as Tsinan (1928) Nanking (1928) and Shanghai (1932) would be inevitable, resulting in subsequent unrest and disorder in Manchuria. The Kwantung Army, which shouldered the burden of defending Manchukuo against Soviet invasion, could not stand idly by and permit such an unstable state of affairs to ensue at its rear, and it, therefore, desired to ameliorate this abnormal and unstable situation.

Our paramount hope was for a final, peaceful settlement with China, but it was also considered as a prerequisite to such a peaceful settlement that China should first abandon its policy of an anti-Japanese movement. To attain this purpose, in the event of provocation, it was thought necessary at that time to deal a blow to the Nanking regime or to exert pressure through an increased armament on our side. Mere appeasement, it was felt, would only aggravate the Chinese, and this view of the Kwantung Army was communicated in my name according to the ordinary official procedure.

But whether this suggestion should or should not be adopted was entirely up to the Central Authorities, the Army General Staff and the War Ministry, who would



decide the issue after a very thorough investigation into the current situation. As a matter of fact, the Central Authorities did not adopt this suggestion. The Lukuo-chian Incident (7 July 1937) had nothing to do with this proposal; the absolutely passive attitude on the part of the Japanese Central Authorities at the beginning of the Incident proves this allegation beyond any reasonable doubt.

FORMATION OF THE SECOND KONOYE CABINET AND THE INTERNAL AND EXTERNAL SITUATION AT THAT TIME

4. I shall continue my testimony now with certain pertinent facts connected with the formation of the Second KONOYE Cabinet, at which time I first held a position of political responsibility. About one month previous to that administrative change, June 1940, I was on an official tour in Manchuria, inspecting manoeuvres in my capacity as Inspector General of the Army Air Force. On the 17th of July I received orders from the War Minister to report to Tokyo and accordingly left from the Mukden Air Field arriving at Tachikawa Air Field Tokyo at 9:40 P.M. on the 18th, after making one stop-over at Heijo en route. I immediately visited the official residence of the Minister of War and received reports concerning the circumstances relative to the fall of the previous Cabinet, and was informed also that the Emperor had ordered Prince KONOYE to form the succeeding Cabinet and that I was recommended as the candidate for War Minister. The impression I received on that occasion



was that Premier-designate Prince KONOYE was approaching the formation of the new Cabinet with the utmost circumspection. That is to say, I understood that he was concerned especially with the basic national policy which this country should pursue in the future, laying particular emphasis on obtaining a closer connection between the Army and the Navy, proper coordination of the Supreme Command and the Administration of the Government, and similarly related problems, all in view of the fact that the country was then in the midst of the China Incident.

5. That evening, I received a summons from Premier-designate KONOYE, and on the following day (19 July) at 3 P.M. I called on him at his private residence at Ogikubo, Suginami Ward, Tokyo. There were present at this meeting Prince KONOYE, Navy Minister Zengo Yoshida, Foreign Minister candidate Yosuke MATSUOKA and myself. No notes of the proceedings were taken as it was essentially a private meeting assembled for the purpose of reaching some agreement of opinion concerning national defense, diplomacy, internal administration and the like. This is the meeting which later was referred to popularly as the "Ogikubo Conference." The Premier-designate proposed that in view of the past course of events, the national policy hereafter should emphasize the solution of the China Incident, for which purpose, among others, it was essential that the relations between the Supreme Command and the Government should be better coordinated, and, further, that there should be a closer harmony



between the Army and the Navy. All present expressed complete agreement with these propositions and promised to do their best in that direction. Some practical political problems were also taken up, and under this heading the following policies were discussed: the renovation of the domestic political organizations in view of the current trends in domestic and foreign affairs, expediting the solution of the China Incident, diplomatic innovation, the perfection of national defense, and other pertinent matters. Although I do not remember all the details under discussion at this meeting, the essentials formed the nucleus of what was later presented as the "outline of basic national policy" and agreed upon by the Cabinet. No conditional reservations were made by the Army or the Navy in joining the Cabinet, although I did express my personal wish that the solution of the China Incident be accelerated and that plans for national defense be perfected. The meeting ended on a general agreement of opinion but no particular decisions were made on national policy. There was no discussion regarding the selection of cabinet members, this being left entirely to Prince KONOYE, and we others merely received reports from him as to the outcome. The statement by the Prosecution, therefore, that "an authoritative foreign policy program" was decided upon at this meeting (I.P.S. Doc. 0003) is entirely without foundation. The selection of Cabinet members by Prince KONOYE was completed in due course, and the Imperial Investiture ceremony of the new Cabinet took place at 8 P.M. 22 July.



As War Minister, I considered three principles for my future course of action: (1) To exert unstinted effort toward the solution of the China Incident, (2) To establish rigorous control over the internal discipline of the Army, and, (3) To work for closer coordination between the Supreme Command and the Government, and between the Army and the Navy.

6. It is necessary at this point to touch upon the prevailing aspects of domestic and foreign affairs. In the first place, the China Incident had been uninterrupted for three years without any signs in sight of a solution, with American and British aid to Chungking becoming more and more intensified. This support presented the chief obstacle to the conclusion of the China Incident, and we could not but contemplate it with deep concern. In the second place, the war in Europe had, since its outbreak, brought about serious repercussions to the world in general. The European powers who had interests in East Asia, namely France and the Netherlands, had dropped out of the field of battle. With Britain in a critical position, the possibility of America entering the war became more and more apparent. In that event there was imminent danger of the war spreading to East Asia, and it was vital, therefore, that Japan take some active measures to prepare for that contingency. In the third place, the economic strangulation of Japan by America and Britain was increasing in severity with each passing day. Thus we were confronted by all these grave disturbances in addition to the difficult problem of China.



Coming now to domestic affairs. First of all, the proposal concerning a new political order advocated by Prince KONOYE appeared to be supported by the whole nation. The various political parties and factions were in sympathy with the movement, and of their own volition dissolved themselves or they were in the process of dissolution. Then, secondly, in the field of economic and political thought the concept of a new order was fast gathering momentum, while in the third place, with each new form of pressure against us by America, Britain, and other nations, public opinion was gradually swinging away from liberalism towards nationalism.

#### TWO FUNDAMENTAL NATIONAL POLICIES

7. Under these circumstances, two important national policies were decided upon soon after the formation of the Cabinet. One was the "Outline of the Basic National Policy" (Ex. 541, R. 6271 and Ex. 1297, R. 11714) decided by the Cabinet Meeting of 26 July 1940. The second was the decision of the Liaison Conference entitled "Gist of Main Points in Regard to Dealing with the Situation to Meet the Change in World Conditions" dated 27 July 1940. (Ex. 1310, R. 11794) I participated in both of these decisions in my capacity as War Minister. The essence of these national policies were categorically, two. First, to settle the China Incident with all speed in order to insure stability in East Asia. Second, with reference to the pressure from America and Britain, to avoid war



while preserving the sovereignty and self-existence of this country.

The foremost aspiration of the new Cabinet was to establish an enduring peace and a higher degree of prosperity in the Far East, and its second national responsibility was to maintain the independence and safety of Japan with a proper and adequate national defense.

These national policies did not contemplate in the slightest degree territorial ambitions and economic monopoly, nor did those persons formulating them even dream of acquiring control or domination of the whole world or any portion of it.

As a new member of the cabinet, these pressing problems seemed to me to be paramount of solution, and my clear duty was to assist to the best of my ability. That I had any preconceived notion or plan for aggression is entirely without foundation, and so far as I know no member of that Cabinet held any such belief.

8. The "Outline of the Basic National Policy" was drafted by the Planning Board along ideas suggested by Premier KONOYE, and was made to serve as the basis for the domestic policy of Japan. There were three essential points: (1) renovation of the domestic organization, (2) solution of the China situation, and (3) perfecting national defense. On the first point, that of renovating the domestic organization, there was some discussion in the Cabinet on educational and economic matters, but in the end it was decided



as set forth in the final text. On the second point, the solution of the China Incident, there was complete unanimity of opinion to the effect that the entire resources of the country should be concentrated towards this objective. Also, with respect to practical methods, on this point coordination of civil administration with the Supreme Command was most particularly stressed. On the third point, of perfecting national defense, the view was expressed that the promotion of self-sufficiency in domestic industries and the acquisition of basic resources should be effected in order to counter-act the economic pressure of America and Britain. With respect to the New Order in Greater East Asia, there was no particular discussion on that occasion since this project had been previously enunciated by Premier KONOYE. The interpretation of the phrase, "the lofty ideal of Hakko Ichiu on which the Empire is founded" appearing in the item of the "basic policy" (R. 6272 and 11,715) was in its purest moral connotation, that is to say, universal peace founded on moral justice. As to the Tripartite Alliance, if I remember correctly, no definite opinion was proposed by any member at the time; but it was un-animously agreed that in view of the current situation it was necessary to formulate a more flexible foreign policy.

9. The "Gist of Main Points in Regard to Dealing with the Situation to Meet the Changes in the World Conditions" was, as I recall, presented by the Supreme Command, and was approved by the Liaison



Conference on 27 July. There were two fundamental points in this "Gist" (1) ways and means for settling the China Incident, and (2) the measures for settling the problems in the southern region. In the deliberations over the "Gist", four major issues were discussed, which were as follows:

a. Relations with Germany and Italy. Viewed from the aspects relative to the solution of the China Incident and changes in the international situation, there was an urgent necessity to extricate Japan from world isolation and place her in an impregnable position. It was reasoned that in view of the consistent attitude taken by America and Britain throughout the China Incident, that Japan should make some attempt to join hands with Germany and Italy, and arrive also at an understanding with the Soviet Union without regard to the previous course of events. At that stage there was no thought of proceeding to the extent of a tripartite treaty of alliance with Germany and Italy but merely to aim at a closer political connection with these two countries. There was some argument also favoring a drastic improvement in the relations with the Soviet Union.

b. Improvement of Japanese-American Relations. All the members were deeply concerned with what effect the joining of hands with Germany and Italy would have on Japanese-American relations. Premier KONOYE, being fully conscious of the firm wishes of the Emperor that Japan should always be on the most



friendly terms with America and Britain, was most prudent on this point, believing that friendly relations with these two countries was extremely essential to the ultimate solution of the China Incident. However, Foreign Minister MATSUOKA insisted that in view of the markedly unfriendly attitude evidenced by America and Britain since the Washington Conference that there was only one policy left for Japan to follow and that was to take a firm attitude towards both. Mr. MATSUOKA held the view that war between Japan and America would result in the destruction of the world, and hence every effort should be made to prevent this occurrence, and for that reason it was essential to improve the relations between the two countries, which in turn could be accomplished only by Japan taking a resolute position. The members decided to entrust the Foreign Minister with the responsibility of drawing up a practical plan of action.

c. Policy vis-a-vis China. With respect to China, it was decided to prevent assistance to Chiang Kai-shek and eliminate hostile elements. This strategy was adopted because the reasons for the delay in the solution of the China Incident were thought to be, first, Chungking's underestimate of Japan's national strength, and, second, active assistance to Chiang Kai-shek by third powers. It was therefore absolutely necessary that the supply route between America and Britain and Chiang's Regime be severed.



d. The Problem of the Southern Region.

The strengthening of national defense against the Soviet Union, and the establishment of a self-sufficient nation were two absolutely essential problems facing Japan at that time. The obstacles blocking the accomplishment of these crucial objectives were (1) the China Incident and (2) pressure from America and Britain. With particular reference to the second obstacle, the controlling factor to be borne in mind was that Japan relied upon America and Britain for the major portion of her imports of essential materials. Once these were cut off the very existence of the nation was endangered. Consequently this problem was viewed with the utmost concern in conjunction with the solution of the China Incident. It was believed that this critical problem could be solved only by perfecting the state of self-sufficiency through the importation of essential materials from the Southern Region. However, since the China Incident was still in progress, Japan desired above all else to exclude friction with third powers.

To summarize. At the time the decision on the above "Gist" was made, there was no thought whatsoever of war against America and Britain, but it was feared that regardless of Japan's wishes on this point hostile action by force of arms by America and Britain was a possibility.



TRIPARTITE PACT

10. I shall next proceed to testify on the events leading up to the signing of the Tripartite Pact, as I understood them. Foreign Minister MATSUOKA was in complete charge of all negotiations leading up to the signing of the treaty, and my participation was merely in my capacity as War Minister. The decision as to national policy, as previously described, was related to the two major basic national policies of the Second KONOYE Cabinet. That is to say, the conclusion of the treaty falls under that section of the "Outline of the Basic National Policy" which stipulated that in formulating Japan's foreign policy attention will be focussed upon a successful settlement of the China affair, while constructive and flexible measures will be adopted (R. 6273) and para. 4 of the "Gist of Main Points" which specifies the strengthening of political ties with Germany and Italy. (R. 11,795) The true motive for strengthening the political ties with Germany and Italy is as testified by me under sub-heading (a) of paragraph 9 of this affidavit.

Discussions concerning this move had been going on privately before the establishment of the Second KONOYE Cabinet, and it began to assume tangible form with the arrival of Herr Heinrich Stahmer sometime following the inauguration of that cabinet. It must be added that there was opposition to the proposition. Navy Minister Yoshida resigned because



of poor health but it cannot be said that that was the only reason. On 4 September a four Minister Conference was held at the official residence of the Prime Minister with the Prime Minister, the Foreign Minister, the Vice Minister of Navy, acting for the Navy Minister, and myself attending. Foreign Minister MATSUOKA submitted for discussion, without previous notice, the subject of strengthening the Japan-Germany-Italy axis, and proposed that the three powers should cooperate mutually towards the objective of establishing a new order in Europe and Asia, and that they should confer with each other as soon as possible as to the best method of accomplishing this end and make it known to the public at large. The Conference agreed to approve the proposal. Herr Stahmer conferred with Foreign Minister MATSUOKA on 9 and 10 September. I am not fully conversant with the details of the negotiations at that time, but these led to the Liaison Conference and the Imperial Conference of 19 September 1940. (I wish to state at this point that in the evidence presented by the Prosecution there are documents which refer to a Privy Council Meeting and an Imperial Conference on 16 September (Ex. No. 551), but no such meetings were held on that date. I also do not recall any Four Minister Conference on 1 August). At the Liaison Conference of 19 September, the agreement reached at the Four Minister Conference on 4 September was confirmed. Concerning this Liaison Conference, there are four points which remain in my recollection.



The first point was, whether the Three Power relations should take the form of a treaty or a joint declaration of agreement of principles. Foreign Minister MATSUOKA was opposed to the form of a joint declaration.

The second point was, what effect would relations with Germany and Italy have on Japanese-American relations. Mr. MATSUOKA explained that Germany did not desire American entry into the war, but hoped to avert a clash between America and Japan, and was willing to offer her cooperation to that end.

The third point concerned the military position of Japan in the event America entered the war. Mr. MATSUOKA's explanation on this point was that there were a substantial number of Americans of German and Italian descent who could influence public opinion, and, thus, there was a possibility that American entry into the war might be prevented. However, he wished to make ample reservations on Japan's freedom of action concerning any obligation to lend assistance in the remote possibility of American entry.

The fourth point considered was whether there was any confidence in improving relations with the Soviet Union. Mr. MATSUOKA stated that Germany desired an understanding between Japan and the Soviet, and was willing to offer her assistance in the matter. All present accepted Mr. MATSUOKA's views.

Following this, the Imperial Conference was held at about 3 P.M. of the same day, and approval was



given to the decisions of the Liaison Conference. During the proceedings President Hara of the Privy Council proposed a question to the following effect, "America is withholding her pressure against Japan appreciably in order to prevent our entry on the side of Germany and Italy. In case a treaty is signed, and our attitude is clarified, will that not result in an intensification of American pressure against Japan, and result in obstructing the solution of the China Incident?" Foreign Minister MATSUOKA's reply to this question was, "American sentiment today against Japan is extremely bad and this condition cannot be remedied by a mere policy of appeasement. Under the present circumstances a firm stand on our part is the only way war can be prevented." Mr. MATSUOKA proceeded to confer with Herr Stahmer, and drafted the Tripartite Pact, which in turn was submitted to the Cabinet and subsequently to the Privy Council.

11. The meeting of the Privy Council to consider this Treaty commenced with the session of the Investigation Committee, at 10 A.M. on 26 September 1940 followed by the plenary session at 9:40 P.M. of the same day in the presence of the Emperor. (Ex. Nos. 552 and 553). The Cabinet Members present at the Investigation Committee session were the Prime Minister, the Foreign Minister, the War Minister, the Navy Minister and the Finance Minister. At the plenary session all the members of the Cabinet, with the exception of Commerce Minister Kobayashi and Home Minister Yasui, were in attendance. HOSHINO and MUTO were also present in the capacity of "Explainers",



with several others, but they were not responsible for the proceedings. As for the responsible ministers in attendance I am the sole member among the defendants. I might say that on such an occasion the proceedings of the Privy Council are not taken down stenographically but are simply summaries of the explanations or remarks compiled by secretaries in attendance. Hence there is no guarantee that the gist of the explanatory remarks coincide completely with the summaries. The same situation prevailed at this particular meeting.

At the meeting I, as War Minister, made the explanatory remarks that in the event of a war between Japan and America the Army would divert a part of its strength. This remark was made in response to a question based upon the premise of the "worse possible contingency", and was grounded on the strategic plans which had been drawn up against America by the Supreme Command as a portion of its annual strategic plans. These plans were drawn up by the Supreme Command on its own responsibility and in pursuance with its delegated functions, and had no bearing whatsoever on the question of whether or not any decision had been made on the part of the Government as to war with America. The Supreme Command drew up strategic operational plans against potential enemies in peace time the same as the army branch so designated in every nation did. It is a part of the regular responsibility of such organizations.



I recall another point in connection with that meeting, and that was a question propounded by a Councillor pertaining to harmonious relations with the Soviet Union. Foreign Minister MATSUOKA replied to that query by referring to Article 5 of the proposed treaty and to notes to be exchanged, and explained that Germany was to offer its good offices in bringing about harmonious relations between Japan and the Soviet Union. The treaty was signed on the 27th, after confirmation by the Privy Council, and the accompanying Imperial Rescript was issued on the same day. (Ex. 43-554)

12. From my knowledge of the circumstances surrounding the signing of the Tripartite Alliance, it is my sincere belief that the purpose of the treaty was to improve the international position of Japan and thereby operate as a factor in the solution of the China Incident, as well as in preventing the spread of the European War to East Asia. From the very outset of the negotiations on the Alliance to the final stages of its ratification there was no thought whatsoever of dividing the world among the signatory powers, nor of world conquest. It was considered solely as a means of defending this country against the onslaughts of the "Have" nations, and to find a way to survive under the prevailing international situation. The "New Order in Greater East Asia" itself was based upon the foundations of mutual prosperity, independence, and the sovereignty of all nations concerned. Consequently each and



every one of the treaties signed subsequently by Japan with the various states of Greater East Asia were predicated upon that recognition of the inviolability of each other's territorial integrity and absolute sovereignty. The term "position of leadership" used in the Alliance refers to the role of what might be termed a "trail blazer" or "guide" i.e. the nation taking the initiative, and there is no connotation of domination or of subjugation. That was the understanding of the term held by Prime Minister KONOYE and all the members of the Cabinet.

STATIONING TROOPS IN NORTH FRENCH INDO-CHINA

13. As War Minister, and in conjunction with the Supreme Command, I participated in the stationing of troops in northern French Indo-China about the end of September 1940. The southern policy itself was the resulting effect of the continuous economic strangulation of Japan by America and Britain, and the general lines were laid on the "Gist of Main Points in Regard to Dealing With the Situation to Meet the Changes in World Conditions" determined on 27 July 1940. (Ex. 1310) There were two aspects to this southern policy. One was to sever the coalition between America and Britain with Chungking, as a means of solving the China Incident, and the other was the establishment of economic self-sufficiency for Japan. Both aspects developed as High State Policy in order to preserve the right of self-existence and of self-defense and, furthermore, they were intended



to be attained through peaceful means until pressure from America, Britain, and the Netherlands, against Japan, resulted in unforeseen practical developments.

14. I shall testify now relative to the request made to the French Indo-China authorities for a grant of facilities in connection with the dispatch of a small Japanese force to northern French Indo-China. Primarily, this troop movement was made at the urgent request of the Supreme Command as a necessary adjunct in conducting the China Incident. During the life of the previous Cabinet, that is, the latter part of June 1940, the French Indo-China authorities had agreed voluntarily to prohibit the passage of supplies through French Indo-China to the Chang Kai-shek regime, and, in order to carry out this arrangement, an observation force was dispatched from Japan. (Ex. No. 618) Identical arrangements were made in Burma at about the same time. However, after putting the plan into action, it became clear that it was impossible to insure complete stoppage of aid to Chungking with such a small observation force. In addition to this, after the partial closure of traffic on the French Indo-China border, it was announced from Chungking that the route would be reopened by force, and it gradually accumulated its military strength near the border regions. Under these changed circumstances the Japanese High Command felt it necessary to defend North French Indo-China. Moreover, the Supreme Command desired to carry out the campaign in the interior of China as a means of



speedily concluding the China Incident, and wished to have bases in northern French Indo-China for that purpose. The Liaison Conference held about the latter part of July gave recognition to this request, and the Government was ordered to negotiate with the French authorities. The important items required were the stationing of a specified number of troops in northern French Indo-China, and the passage of a specified number of troops through that region. To the best of my recollection, the strength of the former was set at 6000 and that of the latter at about 25,000. Negotiations were commenced on 1 August 1940 between Foreign Minister MATSUOKA and the French Ambassador to Japan, M. Charles Arsene Henry, and an understanding was reached on 30 August after a formal exchange of notes. (Ex. No. 620 Appendix 10 - I, II) This understanding was that Japan recognized the sovereignty and territorial integrity of France in French Indo-China, and France, on her part, undertook to offer special facilities for the stationing of Japanese troops in the specified area. Japan further guaranteed that this situation was not to take on the nature of a military occupation.

15. This MATSUOKA-HENRY agreement of 30 August 1940 settled the basic principles, and there was a concurrence that the French Government was to promptly issue the necessary instructions to the local French Indo-China authorities to commence negotiations on the spot for the purpose of satisfying Japan's specific requirements. Accordingly,



Major General Nishihara, who was there present as Chief of the Observation Party, and acting under instructions from Imperial Headquarters, immediately opened negotiations with the French Indo-China authorities and the agreement on those basic items was arrived at by 4 September. (Ex. No. 620 Appendix 11) The detailed items concerning the facilities to be offered was scheduled to be signed on 6 September, but this was delayed by reason of an unfortunate incident occurring on 5 September involving the alleged crossing of the boundary between French Indo-China and China by a Japanese battalion. Incidentally it was ascertained through a later Court-Martial proceeding that the battalion did not violate the French Indo-China border at all. As a matter of fact, this troop movement was for patrol purposes, and not a single shot was fired, but the French Indo-China authorities made this occurrence an excuse for refusal to sign the detail agreement. At that time, the French Indo-China authorities outwardly swore allegiance to the Vichy Government but there was room for doubt as to the actual veracity of their real intent. On our part, there was a critical urgency for troop dispatch and there was much anxiety over the breakdown of the negotiations. Nevertheless, in spite of this drawback the policy of peaceful settlement was maintained to the very end, and the Army General Staff sent the Chief of the First Section to French Indo-China to assist in the negotiations.



On that occasion both the Chief of the Army General Staff and myself, as War Minister, gave strict injunction that the dispatch of troops must be carried out on a peacetime basis. Notwithstanding all these efforts, the detail agreement was not finalized and so about 18 or 19 September Imperial Headquarters issued instructions to the Nishihara Unit to request a reply, with the dead line to be set at noon of 22 September. (Tokyo time.) It was felt that since the local authorities were procrastinating, despite the agreement of the French Home Government, some resort to freedom of action on our part was justified, and, consequently, the evacuation of Japanese nationals was effected before that dead line.

A decision could not be reached with the French Indo-China authorities before noon of the 22nd, but we, on our part, made certain concessions, and two hours after the stipulated time, i.e. about 2 P.M., the detailed agreement was finally signed by both parties. (Ex. 620, Appendix 12) Nevertheless, at 12:30 in the morning of the following day (the 23rd) an exchange of firing took place between the Japanese and French troops on the border between French Indo-China and China. This incident was occasioned by the fact that the front line troops stationed near the border were deployed in inaccessible mountains and valleys, and contact with them was therefore difficult. In spite of every effort on our part communication as to the conclusion of terms could not be transmitted in time. The French also, on their part, were delayed in relaying information to their troops, but this



small encounter of arms was settled within the same day. The Nishimura Corps was scheduled to enter Haiphong Bay under escort of the French Navy but because of this clash on land at the northern front it did not enter at Haiphong Bay but landed without incident on the beach to the south. There was, in addition, another incident involving a Japanese observation squadron, which due to a misunderstanding in signals between the Commanding Officer and his subordinates, dropped bombs in the outskirts of Haiphong, but this was clearly a mistake and inconsequential.

16. To summarize. The dispatch of Japanese troops to north French Indo-China in the latter part of September 1940 was prompted by a desire to speedily solve the China Incident and from beginning to end it was our consistent policy to accomplish that wish peacefully. The strength of the forces was held down to the barest minimum, and the actual number dispatched was, as I remember, only about 4,000, a figure far below the agreed total. That the American authorities well understood the above circumstances is shown by the message of President Roosevelt to the Japanese Emperor on 8 December 1941, which contains the following, "More than a year ago your Majesty's government concluded an agreement with the Vichy government by which five or six thousand Japanese troops were permitted to enter into northern Indo-China for the protection of Japanese troops which were operating against China further north".



As explained above, although some minor unforeseen incidents occurred in connection with the entry, in order to maintain strict troop discipline, I, as War Minister, took stringent disciplinary measures and enforced them. To wit, the Regimental Commander and subordinate officers were court-martialed, and the local Commanding General and Staff members of the Imperial Headquarters were either removed from office or transferred to minor posts. These measures were taken in line with the wishes of the Emperor stressing the necessity for strict military discipline, which were uttered time and again previous to this, and which were in accordance with my own consistent policy to uphold military order and enforce military discipline, and these were activated by the requirements of internal administrative need and did not in any way indicate that there was any responsibility on our part under international law vis-a-vis the French.

SINO-JAPANESE BASIC TREATY AND JOINT DECLARATION OF  
JAPAN, MANCHUKUO AND CHINA

17. I shall next explain the events concerning the signing of the Sino-Japanese Basic Treaty on 30 November 1940, during the Second KONOYE Cabinet, and the issuing of the Joint Proclamation of Japan, Manchoukuo and China as evidence refuting the charges made by the Prosecution that these were acts of aggression against China. These were based on the "Outline for Settlement of the China Incident" approved by the Imperial Conference on 13 November



1940. (Def. Doc. 2813) The necessity for such a policy determination at that time was as follows: The previous Governments and the Supreme Command had long striven for the solution of the China Incident. In March 1940 the new National Government of China had moved its seat to Nanking. In order to give recognition to this Government, and sign a basic treaty with it, General Nobuyuki ABE during the previous cabinet had already departed for China as Ambassador and was at that time already in Nanking. It was considered appropriate that before signing a basic treaty with the Nanking Government one last effort should be attempted to include the Chungking regime in an all-round peace. There was profuse realization that the China Incident had already been going on for three years, resulting in a severe strain on the defensive powers of Japan. Moreover, the economic pressure against our nation by America and Britain was increasing in intensity so it was critically necessary that Japan recover the resiliency of its national strength. The key points of the "Outline for the Settlement of the China Incident" were:

(1) To expedite peace negotiations with the Chinese Government, with the dead line set at the end of November, 1940. -

(2) Failing in that purpose, to switch over from the China policy to a state of security and the recovery of national defense.



18. With respect to item 1 of the above "Outline", namely, peace negotiations with Chungking, although various groups and individuals had attempted this prior to that time, it was decided specifically to centralize all these efforts under the coordination of Foreign Minister MATSUOKA. Unfortunately, those negotiations ended in failure and we were forced to enter into a basic treaty with the Nanking Government. (Ex. No. 464, R. 5318) This basic treaty was drawn up after a frank discussion between Ambassador ABE, acting under the guidance of Foreign Minister MATSUOKA, and Wang Ching-Wei. The initiative for proposing the main points of the KONOYE Declaration, of 22 November 1938, was taken by Japan. (Ex. No. 972-H, R. 9527) On the same date the Joint Proclamation of Japan, Manchoukuo and China was issued (Ex. 464, R. 5322) clarifying the relations between the three countries. In addition to the Announcement of the Basic Treaty, there were exchanged between Ambassador ABE and Chairman WANG, the Secret Agreement, the Secret Pact and Formal Notes of Official Exchange. (Ex. No. 465, R. 5327 and infra)

19. As War Minister, I was concerned with three points in the Sino-Japanese Basic Treaty, the Joint Proclamation of Japan Manchoukuo and China, the Secret Agreement, the Secret Pact, and the Formal Exchange of Official Notes. These were, (1) Application of the Treaty and other instruments together with the recognition of an existing de-facto state of war in China, (2) Withdrawal of



Japanese troops, and (3) The problem of the stationing of forces.

Concerning the first point, that of the full application of the Treaty terms, there was complete accord among the Government, the Supreme Command, and the Army in the Field, in that all maintained the hope that the Treaty would be carried out without delay. However, in spite of genuine efforts on our part, there was no attempt at reconsideration on the part of Chiang Kai-shek who, on the contrary, continued hostilities with the help of America and Britain and an actual war was in progress. In the interest of peace and order in the occupied territory, as well as the security of the Army itself, the protection of life and property of resident nationals, and the progress of the new government, it was necessary to affirm the existence of a de facto state of war and apply relevant rules of conduct in case of an exchange of fire, simultaneously with the application of the terms of the Treaty. That was the reason for the insertion of Article 1 of the Protocol appended to the Basic Treaty, which recognizes the existence of extraordinary circumstances in connection with military operations during the period in which actual fighting is in progress, and also the necessity for taking adequate measures under those circumstances. (Ex. 464 - P. 4)

As to the second point, with respect to the withdrawal of troops, there was no objection from the Supreme Command to the general proposition that with



the solving of the China Incident there should be a total troop withdrawal with the exception of a small number. There was urgent necessity for such an evacuation from the standpoint of a recovery in national defensive power. However, there were two conditions involved. One was that there should be a termination of hostilities through the peaceful settlement of the issues between Japan and China; the other that for a well regulated withdrawal, peace and order in the rear should be first established. From the technical point of view a period of two years was necessary for troop withdrawal, and unless there was peace and order in the hinterland it would be impracticable to carry out any evacuation. That was the reason for the stipulation in Article 3 of the Appendix Protocol that the Chinese Government should assure the establishment of peace and order during that period. (Ex. No. 464, P - 4)

Thirdly, the stationing of forces was mainly a so-called "anti-communistic stationing" by which is meant the presence of troops in order to defend Japan and China against the destructive activities of the Communists. In view of the intensive and violent activities of the Chinese Communists during the Incident, the presence of Japanese troops was believed to be most vital for the successful preservation of law and order in the locality. This provision is provided in Article 3 of the Basic Treaty, and there is a corresponding stipulation in the Formal



Exchange of Official Notes. (Ex. 464-465) This stationing of troops was limited to the period during which the occupation was required, after which evacuation was to take place.

The above covers that substance of the Treaty in which I was concerned in my official capacity as Minister of War. It is to be noted that this Treaty did not contain the usual conventional clauses found in most international treaties drawn up at the close of a war, such as the annexation of territory and war indemnity. Paragraph 4 of the Appended Protocol alone stipulates the obligations of the Japanese and Chinese signatories, which binds both parties on a reciprocal basis, the Chinese to indemnify Japanese resident nationals for damages suffered as the result of Chinese military operations and the Japanese to render assistance to the Chinese refugees. (Ex. 464, P - 4) Japan undertook to respect the sovereignty and territorial integrity of China and pledged itself to surrender those rights to extra-territoriality possessed heretofore and to return its settlements. (Article 1 and 7 of the Basic Treaty Ex. 464) This promise of the surrender of extra-territoriality rights and the retrocession of settlements was made in order to perfect the sovereignty of China and was carried out step by step by the spring of 1943. Additionally, the rights pertaining to military occupation and others reserved to Japan in the Basic Treaty were surrendered in toto with the ratification of the Treaty of Alliance between China and Japan in 1943. (Ex. 466)



THE JAPANESE-SOVIET NEUTRALITY PACT AND FOREIGN MIN-  
ISTER MATSUOKA'S TRIP TO EUROPE

20. I shall next testify regarding the Japanese-Soviet Neutrality Pact, and my participation in it as War Minister.

In the spring of 1941 the question of Foreign Minister MATSUOKA's trip to Europe came up for consideration. On 3 February 1941 the "Outline for Negotiations with Germany, Italy and the Soviet Union" was decided at the Liaison Conference.

(Def. Doc. 2811) The decision on this Outline was proposed immediately prior to the departure of Foreign Minister MATSUOKA for Europe and was in the nature of a working plan and did not constitute formal instructions. The central objective of the negotiations with the Soviet Union was to obtain harmonious relations between that country and the Axis powers thereby maintaining the existing peaceful relationship and enhance the international position of Japan. It was contemplated that by so doing the dual objectives could be obtained

(1) improving the relations with America and (2) Soviet assistance to Chiang Kai-shek could be curtailed, thereby expediting the settlement of the China Incident.

21. There were four problems involved in connection with the deliberations on this "Outline". One was the question whether the Soviet Union could be made to act in concert with the Tripartite powers.



The explanation offered was that in view of the conclusion of the German-Soviet Non-aggression Treaty as well as the German desire for Soviet participation in the Tripartite Pact, as expressed in the working plans of Ribbentrop (Ex. 2735) and the opinions of Herr Stahmer, it was possible to get the Soviet to work in concert with the Tripartite Powers.

The second question was the German reaction to Japan working in harmony with the Soviet Union. On this point, it was believed that since the Germans themselves had concluded the Non-aggression Pact with the Soviet and were actively engaged in the attack against Britain that they would welcome our conclusion of harmonious working plans with the Soviets. It was our opinion that the Germans would welcome a coalition between the Soviet Union, Germany and Japan, and its active participation with Germany in military operations against Britain.

The third question concerned the nature and extent of compensation to be offered by Japan in order to attain the objective of harmonious relations with the Soviet Union. The quid pro quo decided upon was the restoration of the fishing rights reserved to us in the Japan-Soviet Fishing Treaty and the rights to the oil fields in Northern Sakhalien. It is true that in the "Outline" itself the offer to purchase Northern Sakhalien is provided for but that was merely meant to be an opening move in the



negotiations. The Navy had serious concern over the Northern Sakhalien oil fields and, needless to say, their views on this matter were duly considered.

The fourth question concerned the personality and traits of the Foreign Minister himself. The Chiefs of the Army and the Navy General Staffs were greatly concerned over the possibility of the Foreign Minister making commitments on questions involving Supreme Command which would lead to responsibilities and obligations and thus cause embarrassing situations. Hence special precautions were taken to forestall such a contingency, and it was clearly stipulated in Remark No. 5 of the "Outline" that, "No commitments should be made concerning the plans, actions and the use of military force with respect to or participation in the European War which conflict with the self-determination of the Empire".

22. In the foregoing "Outline" the issues which may prompt some questioning are the third and the fourth points, but these should not be construed to indicate any division of the world or any idea of world domination or conquest. The only suggestion they contain is the prearrangement of limits within which self-sufficiency is to be attained, based on the international principle of neighborhood cooperation.

23. The working plan deliberated upon by the Japanese on the occasion of the Foreign Minister's trip to Europe is as stated above. The evidence presented to this Tribunal by the Prosecution purporting



to be contents of documents taken from German sources, especially the telegrams from Ambassador Ott (Exhibits 567 to 569 inclusive) and the Minutes of the Hitler-Ribbentrop-MATSUOKA Conference (Exhibit Nos. 577 to 583 inclusive) are in serious conflict with the context of the working plan mentioned above. The substance of the oral report of the Foreign Minister to the Liaison Conference and to the Cabinet upon his return also reveal an absolute divergence from these Exhibits.

24. When Mr. MATSUOKA arrived in Europe the situation was very different from what Japan believed it to be at that time. The relations between Germany and the Soviets were strained to a point where the possibility of the Soviets acting in concert with the three party nations was incomprehensible. Moreover, Germany was in a position where she could not welcome the conclusion of a neutrality pact between Japan and the Soviet Union, so hence, there was no extension of her good offices to that end in prospect. On this point Japan's intention and that of Germany were at variance. Eventually on 13 April 1941, on his way home, Mr. MATSUOKA signed a Neutrality Pact with the Soviet Union (Ex. No. 45) but aside from this no material advantages diplomatically were derived from his trip whatsoever. Summing it up concisely, (1) Mr. MATSUOKA's trip to Europe consisted merely of courtesy calls to Germany and Italy, and no political benefits were derived from these visits. The issue of "No Separate Peace", stipulated in the "Outline", was



not even taken up. (2) Mr. MATSUOKA at the very outset was restrained from even mentioning any matters pertaining to the Supreme Command, and no report was ever received by us concerning Singapore or any similiar allegation. (3) Furthermore, the statement made by the Prosecution that Japan and Germany entered into a military agreement in the early part of February 1941 is utterly without foundation.

25. The Japan-Soviet Neutrality Pact was concluded under those circumstances and did not have much effect on our subsequent national policy. There is no connection whatever between it and the Japanese policy towards the South Seas. The strength of the defensive force in the north against the Soviet was not reduced because of the Pact. On the other hand, Japan conscientiously and strictly lived up to this Neutrality Pact from beginning to end, and each successive Cabinet made effectual commitments that it would respect the Pact. Never for once was any unfriendly act directed against the Soviet Union, despite the pressure exerted by the Germans. On the contrary, however, it is a fact that the Soviets, on their part, had actually pledged themselves to enter the war against Japan on the promise of territorial gains even while the Treaty was still valid, and that nation actually attacked Japan while that Neutrality Agreement was still in force.



THE NEGOTIATIONS BETWEEN JAPAN AND AMERICA DURING THE  
SECOND KONOYE CABINET

26. The so-called Proposal for Japan-America Understanding (The text being virtually the same as Exhibit No. 1059) was received by the Japanese Government on 18 April 1941. After that date this document was formally taken up for consideration by the Government. In my capacity as War Minister, I of course participated but I was concerned more particularly with those phases touching upon military affairs, which fell naturally within my jurisdiction, while the Prime Minister and the Foreign Minister confined themselves to all the other elements involved. As to the events leading up to this Proposal, it is my understanding that Prime Minister KONOYE was concerned with the reception which the conclusion of the Tripartite Alliance had upon Japanese-American relations, and as early as the end of 1940 had already commenced private conversations, first in Japan, and later in America, and that these conversations had been continued all that time. I received intelligence from the Military Attache to the Japanese Embassy in Washington that these preliminary negotiations were being carried out, on the Japanese side, with the understanding of Ambassador Nomura, and on the American side, with the knowledge and understanding of the President, the Secretary of State, and the Postmaster-General.

The "Proposal for Understanding" was purported to be an unofficial and private plan, but since the



President and the Secretary of State were fully aware of it and, further, since official notice of that fact was taken by America, as evidenced by the request of the Secretary of State to the Japanese Ambassador in Washington asking for formal instructions from the Home Government as to whether or not this plan could be taken as the basis of negotiations, we, on our side, accepted it as the beginning of official negotiations. In other words, we recognized the commencement of Japan-America negotiations as of the date this request for an expression of opinion was made to the Japanese Government.

27. Upon receipt of the Proposal the Government immediately held a Liaison Conference. The general atmosphere of that Liaison Conference was that the receipt of this Proposal brought about a slight ray of hope to the solution of existing problems, and all the members felt new confidence in their endeavors. The reason for this was as follows: Japan, at that time, was greatly troubled by the prolongation of the China Incident. On the other hand, the economic pressure exerted against Japan by America and Britain was felt most keenly. Under the circumstances it was believed that a start was underway for the solution of these very serious problems. We also believed that the American side was equally optimistic regarding the Proposal since through the improvement of American-Japanese relations the United States could accomplish its purpose also of maintaining peace in the Pacific. The thought never occurred to the Japanese



at that time that America was entering into the negotiations for reasons of desperation, like a drowning man grasping at a straw, or for the purpose of gaining time. Several meetings of the Liaison Conference were held on the proposed negotiations and finally on 21 April a decision was reached as to what our attitude should be. Just at that time Foreign Minister MATSUOKA arrived at Dairen, on his way home, and was scheduled to reach Tokyo on the following day. The highlights of the decision arrived at on 21 April as to our position were as follows:

1. After giving full weight to the fact that culmination of the Proposal would have a chilling effect on the Tripartite Alliance it was nevertheless decided to advance negotiations along that line and work for a speedy conclusion of the Understanding.

2. As to our stand, we were to advance negotiations along the following points:

- a. Work for a speedy solution of the China Incident.

- b. That Japan should be supplied with necessary and vital materials.

- c. While recognizing the possibility of a chilling effect on our Tripartite relations any act calling for bad faith on our part should be avoided.

We placed a greater emphasis on the practical solution of existing problems than on statements of general principles. This was motivated by the fact that we were faced with the China Incident, and the establishment of self sufficiency and self existence.



As to the Tripartite Treaty of Alliance, we were of the opinion that harmony between it and the Proposal could be brought about through the interpretation of the terms of the Treaty. There was some doubt as to whether the Germans should be advised of the Japan-American negotiations and, if so, to what extent should they be so advised. It was decided to leave that matter to the discretion of the Foreign Minister. The Liaison Conference arrived at a decision along the lines indicated above, and it was planned to advise Ambassador Nomura immediately by telegram to the effect that on general principles there was no objection to proceeding with negotiations as suggested. The Vice-Minister of Foreign Affairs expressed his agreement with the decision of the Conference but proposed that the dispatch of instructions be postponed until the following day in view of the fact that the Foreign Minister was expected at that time. The Conference accepted his proposition and adjourned.

28. However, upon the return of Foreign Minister MATSUOKA on the following day (22nd April 1941) progress on the decision was delayed. It was planned to hold a Liaison Conference on the afternoon of the 22nd and enter into deliberation on this problem, but Foreign Minister MATSUOKA limited himself to a report on his European trip and proposed that he be given about two weeks time to ponder over the Proposal. That was the first cause of the slow development in the matter. Then the Foreign Minister



revealed the contents of the Proposal prematurely to the German Ambassador, and that was the second cause of the delay. Moreover, the Foreign Minister insisted upon (a) issuing a statement on the European War prior to the instructions to the Japanese Ambassador, as well as (b) proposing a Neutrality Treaty between Japan and America, and these factors further complicated the issues of the negotiations on the proposed understanding.

There are various reasons why the Foreign Minister took this attitude. In the first place, the Foreign Minister was originally of the belief that the Proposal was the outcome of preliminary negotiations carried out by himself, but later he learned that the Proposal did not emanate from his own plan but that it had developed from sources outside the regular diplomatic channels. Consequently he adopted a cool attitude towards the Proposal itself. Additionally, since his visit to Germany and Italy, and after conferences with the leaders of those countries, he became convinced that the obligations of the Tripartite Alliance should be fulfilled and these were revealed in his pronouncements. Finally, his firm belief that only a resolute stand on our part could ward off the dangers of open conflict was reenforced by the attitude shown subsequently by America. These were my personal observations on this point.

29. As a result of this situation it was not until 12 May that a Revised Proposal was submitted by our country. (Ex. 1070) The United States appears



to have considered this proposal as our initial offer, but we considered the proposal received on 18 April as its first and our revision was made on the basis of that proposal. The main points of the revision were:

(1) The problem of the application of the Tripartite Treaty of Alliance and the interpretation of the right of self-defense. In the proposal of 18 April America asked for a guarantee that Japan would not threaten America's security in the Pacific in the event she entered the European War as an act of self-defense. However, in the Revised Proposal submitted by us we stipulated that the duty to offer assistance under the Tripartite Treaty of Alliance should be governed by the articles of that Treaty. That is to say, one of the objectives of the Tripartite Alliance was to preclude American entry into the European war and to prevent the European war from spreading throughout East Asia. America proposed that we nullify the Treaty but Japan could not openly agree to that proposition. Our plan was to keep the Treaty alive but to take the necessary and appropriate steps through corresponding interpretation of the Treaty clauses. In other words, we submitted in essence and adopted in principle a highly conciliatory attitude.

(2) The second point concerned the China Incident. According to the Proposal of 18 April the President of the United States undertook to urge, on the basis of terms acceptable to himself, that Chiang Kai-shek open negotiations with Japan and that in the event the Chiang Kai-shek regime refused, then, America would cease its aid to China. In our Proposal



of 12 May, it was stipulated that America give recognition to the main points of the KONOYE Statement, the Sino-Japanese Basic Treaty, and the Japan-Manchukuo-China Joint Declaration (Ex. 972-H

and Ex. 464) and base its peace talks to Chungking on them, and, in the event the latter refused, then, to cease aid to the Chiang Kai-shek regime. It was also stated that this stipulation might take the form of a separate agreement or of the assurance of a high American official. It was provided that America urge the Chiang Kai-shek regime to confer with Japan.

The disposal of the China Incident was of the most pressing urgency to Japan. There were two major points involved. One was the solution of the China Incident proper. The other was the recognition of the New Order. Our 12 May Proposal was based upon the KONOYE Statement, the Sino-Japan Basic Treaty, and the Japan-Manchukuo-China Joint Declaration and hence included by reference the recognition of the New Order in East Asia.

As to the withdrawal of troops, that was already included in the 18 April Proposal. In other words, it was stipulated therein that this condition should be based upon the agreement to be arrived at between Japan and China. Since the 12 May Proposal was to follow, in effect, the Sino-Japan Basic Treaty, there was no major difference in intention between the two. There is no difference between the two Proposals on the subject of the Open Door. The 18 April Proposal contained a stipulation that large scale



immigration to China was to be prohibited but the 12 May Proposal makes no reference to that subject.

30. I shall now touch upon the progress of the negotiations between Japan and America after 12 May as I knew them to be. After that date negotiations were carried on between the two Governments around the central theme of the Japanese Proposal mentioned above. On the Japanese side both the Government and the Supreme Command exerted every effort to accelerate the negotiations, but an agreement could not be attained between the two countries on the following three issues: First, the question of the withdrawal of Japanese troops in China; second, the question of non-discrimination of commercial opportunities in China, and third, the question of American entry into the war invoking the right of self defense and its relations to the Tripartite Treaty. On 30 May there was received from America an Interim Proposal (Ex. 1078) but here I shall not go into the details of that proposal. Eventually the negotiations resulted in the American Counter-proposal of 21 June 1941.

31. It should be noted that 21 June was the day previous to the outbreak of war between Germany and the Soviet Union. By that time the probability of war breaking out between Germany and the Soviet was already an accepted possibility, and we naturally concluded that the sudden change in the American attitude was brought about by that fact. The text of this 21 June Proposal is as given in Exhibit No. 1092. We gave particular attention to the following 4 points:



In the first place, the American 21 June Proposal not only varied appreciably from our 12 May Revised Proposal but even when compared with the 18 April Proposal there was little indication of a conciliatory attitude on the part of America. It was evident that America adhered to her position and adopted an unfriendly attitude. In the second place, on the interpretation of the Tripartite Treaty America placed limitations on our obligations under the terms of that treaty to assist Germany in the case of an American war against Germany, and demanded an exchange of formal notes covering comprehensive restrictions. (As contained in Ex. 1078). In the third place, the principle of commercial non-discrimination in the southwest Pacific area, stipulated in the previous Proposals, was now extended to apply to the entire Pacific area. In the fourth place, the clause on immigration was deleted. In both the 18 April and the 12 May Proposals there was a clause stating that the immigration of Japanese to America and to areas in the southwest Pacific, based on the principle of equality and non-discrimination with other peoples, would be given friendly consideration. However, in the 21 June Proposal this important clause was deleted. Furthermore, there was attached to the 21 June Proposal an Oral statement (Ex. 1091) in which it was stated that there were some leaders in the influential official positions in Japan who were definitely committed to a course which called for support of Nazi Germany and its policy of conquest, which evidently indicated non-confidence in



the Foreign Minister. This statement gave rise to doubts among the Japanese as to whether it did not constitute an intervention in domestic politics. For reasons stated above, the negotiations between Japan and America developed into an impasse.

32. Moreover, the following four events took place about that time:

(1) War broke out between Germany and the Soviet Union on 22 June.

(2) The attitude of America was altered as a consequence of the Japanese advancement into Southern French Indo-China, which was carried out under an agreement with the French Government.

(3) A tight economic embargo against Japan was effected on 25 and 26 July 1941 through the freezing of Japanese foreign assets by America, Britain, and the Netherlands.

(4) The resignation en bloc of the Second KONOYE Cabinet because of the attitude of Foreign Minister MATSUOKA.

Following events (1) and (2) above, the attitude of America became firmer, and thereafter negotiations between the two nations revolved around the French Indo-China question. The 4th event indicated that Japan desired to continue negotiations with America even if a change in the Cabinet was necessitated, as we considered it a matter of life or death to the nation that negotiations be concluded successfully.



OUTLINE OF POLICY WITH RESPECT TO FRENCH INDO-CHINA  
AND THAILAND

33. Although in time sequence it slightly antedates the Japan-America negotiations stated above, I shall next take up the relations with French Indo-China and Thailand. On 30 January 1941, decision on the "Outline of Policy with respect to French Indo-China and Thailand" was acted upon at the Liaison Conference between the Supreme Command and the Government. (Def. Doc. 2812. The date on this document signifies the date on which this decision was reported to the Throne. See also Exhibits 1103 and 1303) This "Outline" formed the basis for the subsequent mediation of the dispute between Thailand and French Indo-China, as well as the Guarantee, Political Understand, and Economic Agreement with French Indo-China. The "Outline" had reference to a close military relationship but due to an easing of the situation that section was never applied. The dispatch of troops to southern French Indo-China, which took place about the latter part of July 1941, was carried out in accordance with the decision of 25 June and had no connection whatever with this "Outline" of 30 January. Consequently no mention of the dispatch of troops to south Indo-China will be made at this juncture.

34. The "Outline" was submitted by the Supreme Command, but in my capacity as War Minister I naturally participated in the matter. The content of the "Outline" is as given in the document.



The purpose, I believe, was to "establish a close and integrated relationship with French Indo-China and Thailand in the military, political, and economic fields, for the purposes of Japan's self-existence and self-defense". I did not know the situation in its entirety, as the diplomatic negotiations were conducted solely by the Foreign Minister, but the main considerations were:

(1) Japan had concluded on 12 June 1940 a Treaty of Amity with Thailand, and aspired for a closer Japan-Thailand relationship but there was, within Thailand, a strong pro-British element.

(2) As a sequel to the MATSUOKA-HENRY Agreement, the relations between Japan and French Indo-China were outwardly amicable and negotiations between the two were progressing favorably. However, within French Indo-China itself conditions were somewhat complicated. In the first place, inside the country, the influence of the Vichy Government and that of the DeGaullist faction were co-extensive, and after the Fall of France the influence of France deteriorated causing a situation in which the country was influenced greatly by suggestions from America and Britain. Consequently, the French Indo-China authorities not only took an equivocal attitude but at times indicated a definitely unfriendly tendency towards Japan.

(3) The border conflict commencing in November 1940, with the demand for redemption of lost territory by Thailand against French Indo-China, gradually grew in intensity until in 1941 mediation



by a third power became imperative. Britain sought to intervene behind the scenes but, at that time, she had broken off relations with the French Home Government and hence was not a qualified party for mediation.

(4) For the purpose of maintaining stability in East Asia, Japan, engaged in the progress of the China Incident, for reasons of her own self-defense and existence could not help but desire a speedy peace between Thailand and French Indo-China, and therefore it was cogent that such an "Outline" be formulated.

35. Two objectives for this "Outline" were contemplated. One was mediation between Thailand and French Indo-China, and the second endeavor was to prevent these two countries from concluding any hostile agreement with third powers that might be directed against Japan. In order to attain the first objective the Government directed Foreign Minister MATSUOKA to assume the sole responsibility for carrying the decision into action. The offer to mediate was made about the middle of January 1941 and was accepted by both countries. The mediation conference was assembled in Tokyo on 7 February 1941 and by 11 March a satisfactory agreement was reached. Based upon this agreement a peace treaty was concluded between Thailand and French Indo-China on 9 May (Ex. 47) following which a new boundary line was determined on the spot. In the beginning Thailand demanded a large tract of territory including Cambodia but due to pressure from Japan she finally



agreed to the territory as determined in the Treaty. As to the second objective, that of preventing unfriendly agreements against Japan, Foreign Minister MATSUOKA attended to the situation simultaneously with the first objective, and on 9 May Protocols on Guarantee and Understanding were signed with French Indo-China and with Thailand respectively. (Exhibit No. 647). I did not participate in any of the diplomatic negotiations in relation to those issues.

STATIONING OF TROOPS IN SOUTHERN FRENCH INDO-CHINA

36. The conclusion of negotiations between Japan and France in September 1940 on a voluntary basis and the stationing of troops in northern French Indo-China have been previously covered. Subsequently, tranquility was maintained in northern French Indo-China for a while but in the early part of 1941 the situation in the southern portion gradually became critical. Proceedings on mutual defense were instituted between Japan and France and on 21 July an agreement was reached. Underlying this agreement, negotiations on the detail stipulations were carried forward on the spot and these were consummated on the 23rd. In accord with that one detachment of troops started to move in on the 28th while the main strength was to follow on the 29th. The protocol was ratified on the 29th. The above is the general outline of the progress of events.



37. I shall explain the circumstances relating to the conclusion of the above mentioned Japan-France Protocol on Mutual Defense. It was grounded on the decision of the Liaison Conference of 25 June 1941 and entitled "On Matters Relating to Expediting the Southern Policy." That decision originated in the "Outline of Policy Concerning French Indo-China and Thailand" already alluded to and decided by the Liaison Conference on 30 January 1941. At that time, the establishment of air and naval bases in certain localities in French Indo-China and the dispatch of some troops was planned but since the situation had eased somewhat the projects were dropped. However, subsequent to that, the situation changed for the worse, especially with respect to the commercial negotiations with the Dutch East Indies, which about 10 June showed evidences of a rupture. Consequently, on 13 June of the same year the Liaison Conference took up the subject of "On Matters Relating to Expediting the Southern Policy" but at the urging of Foreign Minister MATSUOKA the deliberations were postponed until the 25th of June. (Ex. 1306) Thus, the transmission of troops to southern French Indo-China was determined about ten days prior to the outbreak of the German-Soviet War, on 22 June, and was definitely not actuated by that war. This program of expediting the Southern Policy was influenced by the urgency of the Supreme Command but I participated in the matter in my capacity as War Minister. The diplomatic phase of executing the decision was attended to by Foreign Minister MATSUOKA, and, during the Third KONOYE Cabinet from 18 July, by Foreign Minister Toyoda.



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In opening the negotiations Prime Minister KONOYE sent a personal message to Marshall Petain guaranteeing the sovereignty and territorial integrity of France in Indo-China. (Def. Doc. 2814) The guarantee contained in that message is repeated in the exchange notes between the two Governments. (Ex. 647-A - R. 7063)

38. The contents of "Matters Relating to Expediting the Southern Policy" is apparent from the text of that document. There were three main points, (1) to establish military cooperation between Japan and French Indo-China for the purpose of the stability of East Asia and territorial defense (2) to attain this objective through diplomatic channels, and (3) in case French Indo-China refused to respond, the objective was to be accomplished by the use of force, and for this purpose preparations were to be made for an expeditionary force. However, as described in the following sections, the execution of the program was performed very smoothly and there was no necessity for the employment of forceful action.

39. Upon the basis of these considerations, the Japan-French Indo-China Protocol on Mutual Defense was concluded between the two countries. (Exhibit No. 651) There were four major parts in this Protocol. (1) In case the security of French Indo-China was threatened, Japan would consider it tantamount to endangering the tranquility of East Asia and the security of Japan. (2) The rights and interests, especially the territorial integrity of French Indo-China and the right of sovereignty of



France over French Indo-China, were recognized by Japan. (3) With respect to French Indo-China, France would not conclude any agreement with a third power unfriendly to Japan, and (4) Japan and French Indo-China would conclude a military agreement for the mutual defense of French Indo-China with the conditional proviso that this promise of military cooperation was to continue only so long as it was necessitated.

40. There were, in the main, five reasons for taking such action. First, the speedy solution of the China Incident required the severing of the partnership in the south between Chungking and America, Britain and the Netherlands. Second, from factors such as the expansion of American, British and Dutch military preparations in the southern area, the formation of an allied encirclement around Japan, military preparations and the expansion of armaments in America proper, and the provocative statements and actions directed against Japan on many occasions by high American officials. Third, in connection with the foregoing, the increase of economic pressure against Japan and the obstruction to our obtaining supplies essential to our self-existence. Fourth, American and British manoeuvres to alienate French Indo-China and Thailand from Japan, and the appearance of hostile activities in French Indo-China and Thailand. Fifth, the rupture of commercial negotiations with the Netherland Indies and the provocative statements and actions of the Netherland East Indies Foreign Minister.



In conjunction with these reasons it was keenly felt that as French Indo-China was a key point in the formation of the encirclement surrounding Japan we feared that Great Britain and the United States might decide to advance against us at any moment. Therefore, we considered it a most urgent and timely step to adopt these measures in advance for purposes of self-defense.

41. Since the reasons necessitating the Japan-French Indo-China Mutual Defense mentioned above have an important bearing on the present case I shall go into a brief explanation supporting each of the five reasons. Most of the descriptive matter to which I refer was supplied to me by the Information Section of the Army and Navy departments of Imperial Headquarters and by the Foreign Ministry. (Def. Doc. 2923)

First, with reference to the augmentation of the American and British aid to Chungking, I shall cite several instances which were brought to my knowledge at that time. (1) In July 1940 Secretary of State Hull expressed his opposition to the British prohibition of aid to Chiang over the Burma Road. (2) In October 1940 President Roosevelt in his Dayton speech announced that America would aid Britain and the Chiang regime in the interest of national defense. (3) In November 1940 America announced a 100 million dollar loan to the Chungking Regime. (4) On 29 December 1940 President Roosevelt in a "Fireside Chat" broadcast that America would be turned into an



arsenal for the democratic nations for the purpose of combating the Tripartite Alliance. (5) On 30 December 1940 Secretary of the Treasury Morgenthau made the statement in a speech that America was prepared to extend lend-lease to Chungking and to Greece. During 1941 statements of this character became more numerous and more alarming. (6) In May 1941 Brigadier General Klaggett and his party arrived at Chungking for the purpose of assisting Chiang's army. (7) In February 1941 Secretary of the Navy Knox announced that the Chungking Government had completed arrangements for the purchase of 200 American planes. (8) In May 1941 the Secretary of the Navy expressed his opposition to the Neutrality Law. (9) On the following day Secretary of War Stimson made an announcement to the same effect.

Under those prevailing circumstances there was the most urgent necessity for Japan, working for the speedy solution of the China Incident, to not only bring greater pressure on the Chiang Regime, but to cut off also all assistance passing through French Indo-China and Thailand, and sever relations between those countries and Chungking.

42. With respect to the second reason, that of intensification of American-British-Dutch military preparations in the south, I received the following intelligence at the time. (1) It was estimated that America expended, between July 1940 and May 1941, over thirty-three billion dollars in the expansion of her military installations. (2) About that time



there was an active increase in the extent and coordination of the general military preparations of America and Britain in various Pacific areas. For example, intelligence came to me that in August 1940 Secretary of Navy Knox announced the creation of the 13th Naval District in Alaska. (3) In September of the same year public announcement was made of the details of the 8 million dollar naval construction budget for American territories in the Pacific.

(4) In November of the same year approval was granted for the establishment of the Pan-American Air Line between Manila and Singapore. (5) In December of that year a report was received that Secretaries Stimson, Knox, and Jones had approved the expenditure of 40 million dollars for the construction and improvement of 55 new air fields. These were some examples of the military preparations and expansions made by America, which we understood were directed against Japan.

Moreover, in September 1940 announcement was made that the top officials of the U.S. State Department had conferred on Japan-French Indo-China affairs and decided on upholding the principle of the status quo in that region. On 8 July of that year Admiral Yarnell advocated, through the United Press, a strong policy against Japan. In October Secretary of the Navy Knox made a speech in Washington stating that America was ready to meet the challenge of the Tripartite Alliance. Previously, in September, the Navy Department stressed that the policy of the American Navy for 1940 was the construction of a two



ocean fleet and reinforcement of the Air Force. In November 1940 Mr. Lamont announced that with an increased pressure against Japan the financial circles would support the policy solidly. Intelligence was also received that in his 11 November Armistice Day speech Secretary of the Navy Knox emphasized that America would reply with action against totalitarianism. In the same month British Foreign Secretary Eden addressed the House of Commons on non-cooperation with Japan. Moreover, on 27 May 1941, President Roosevelt proclaimed a state of unlimited emergency. Prior to that time, on 8 October, 1940, the American Government recommended the evacuation of women and children from East Asia, and one hundred forty women and children residing in Shanghai left for home during that month. Furthermore, the Department of State cancelled the issuance of passports to Americans prepared to travel to the Far East. On 19 October 1940 the American consulate in Nagoya, Japan, was closed. This was but a part of that type of intelligence which was reported to me as War Minister.

43. I shall next testify on the third reason, that of the increased gravity in economic pressure, and the obstructions erected to halt the procurement of materials vital to our existence. Following the notification of the abrogation of the Treaty of Commerce and Navigation on 26 July 1939 American economic pressure against Japan had greatly increased with each passing day. To cite only a small part of



the story from my recollection, in July 1940 President Roosevelt announced the addition of scrap iron and petroleum to the list of prohibited export items. About the end of July of that year the American Government announced that beginning the following 1 August 1940 the export of aviation gasoline to countries other than in the western hemisphere would be prohibited. About the early part of October of the same year, President Roosevelt issued a proclamation restricting the exportation of scrap iron to Japan which was particularly alarming to all Japanese in view of the prevailing iron shortage and the production process in Japan.

44. Referring to the existence of American and British alienation manoeuvres in French Indo-China and Thailand, and the unfriendly tendencies in these countries toward Japan, we received repeated intelligence reports that since 1940 important persons in French Indo-China and Thailand were in close liaison with British authorities in Singapore. As a result the purchase of rice and rubber, vital to Japan's existence, was impeded in these regions. As to the food situation in Japan, it was necessary at that time (about 1941) to import from French Indo-China and Thailand approximately one and one-half million tons (9 million koku) annually. For this reason there was concluded between Japan and French Indo-China the Economic Agreement of 6 May 1941, contracting for the procurement of seven hundred thousand tons of rice. However, within a few weeks after the agreement was made, that is, in June, French Indo-China proposed that the quantity contracted for that month be cut



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down to one half, i.e. from 100 thousand tons to 50 thousand tons. Japan was placed in a position where she was obliged to accept this reduction, but in July and August the reduction to one half the contracted quantity was again made. In Thailand the British, about the end of 1940, placed an order with the Thailand Rice Corporation for the huge amount of 600 thousand tons of Thai rice to be shipped to Singapore, thus preventing us from access to that needed market.

With respect to rubber, the annual production of French Indo-China was approximately 60 thousand tons. Out of this amount Japan's purchase was only about 15 thousand tons annually to be paid for in gold dollars. About the middle of June 1941 America instructed its Consulate in Hanoi to place an order for most of the rubber production of French Indo-China, and thus cut us off entirely from that source of supply. Britain, on her part, issued instructions, about the middle of May 1941, to all her possessions prohibiting the export of rubber to Japan and the yen bloc countries.

45. The reason for the rupture in the commercial negotiations with Netherlands Indies, which is my fifth, is as follows: Since September 1940 Japan had expended the greatest efforts in her negotiations with the Netherlands East Indies. At that time the importation of petroleum from America and Britain was prohibited, so consequently importation from the



Netherlands East Indies was the sole source of supply, and therefore every hope was placed on the success of these negotiations, but, the Netherlands Indies adopted an unfriendly attitude, and about 10 June the situation had reached in actuality a rupture, with an official recognition of this fact being announced on 17 June. The Dutch Foreign Minister, in early May, had made public at Batavia the provocative statement that the Netherlands Indies was prepared to meet any challenge at any time. Japan, at that moment, was facing a crisis. Her very existence was threatened, and for the reasons and causes herein defined the "Matters Relating to Expediting the Southern Policy" (Ex. 1306) was adopted at the urgent request of the Supreme Command, and action based on that decision was inaugurated.

46. At noon (French time) 21 July 1941 the understanding on mutual defense was reached between the Japanese and French Governments, and a Formal Exchange of Notes (Ex. 647-A) took place during the morning of 22 July. Instructions were sent by the respective Governments to the authorities on the spot and detail arrangements were completed there on the following day. Based on this, the troops assembled at Samah, Hainan Island, received orders to march, and they disembarked from Samah on the 25th. A public announcement was made on the 26th. One section of the troops leaving Samah landed at Natran on the 28th, and the main strength put to shore at Sanjak on the 29th under very peaceful conditions. The Protocol on Japan-French Indo-China Mutual Defense (Ex. 651)



between the Japanese Government and the Vichy Government was signed on the 29th.

47. It is true that Japan requested the good offices of the German Government in the negotiations with the French Government but the German Foreign Minister refused that request. Hence the charges made in the Indictment that pressure was brought to bear on the French through the use of the Germans are not supported by the facts. It is alleged also in the Indictment that Japan intimidated the Vichy Government and illegally employed force, but the true facts are that prior to the assembly of Japanese troops at Samah, in preparation for the entry into French Indo-China, negotiations between Japan and the French Government had already been consummated. Furthermore, as stated previously, there was no connection between this movement and the German attack on the Soviet Union. The advance to the South, undertaken after the most careful deliberation by Japan, was an unavoidable act of self-defense, and was definitely not conceived nor directed as a step towards an aggressive attack on America or Britain or the Netherlands. President Roosevelt made reference also to that move in his message of 7 December to the Emperor in these words: "and this Spring and Summer the Vichy Government permitted further Japanese military forces to enter into southern French Indo-China for the common defense of French Indo-China." I think I am correct in saying that no attack had been made upon Indo-China nor that an attack was contemplated. However, at that



time, both the Supreme Command and the Government did not contemplate that this would result in an overall rupture of economic relationships. In other words, it was believed that negotiations between Japan and America would be continued, and that all differences could be solved by peaceful means, inasmuch as the total breaking off of economic relations between two modern nations meant no less than economic warfare.

The Prosecution infers that by stationing troops in southern French Indo-China Japan intended to establish bases for an aggressive attack on America and Britain, but that is an erroneous impression. While it is true that the air fields constructed in southern French Indo-China faced to the south, that did not mean necessarily that they were provided for an attack on points to the south. The real purpose was to construct air bases for protection against attacks from the south. This can be understood clearly from the basic plan concerning the southern policy, which was decided upon in the beginning of April by Supreme Headquarters. (Ex. 1305) In that plan it is indicated plainly that Japan's advance to the south would stop at French Indo-China and Thailand, and, moreover, that the objective of that plan was to be attained originally by way of peaceful means.



JAPAN'S STAND IN RELATION TO THE WAR BETWEEN GERMANY  
AND THE SOVIET UNION

48. It was on 22 June 1941 that the opening of hostilities between Germany and the Soviet Union actually came to the knowledge of the Japanese Government, when an official dispatch from Ambassador OSHIMA in Berlin to that effect was received in Tokyo. A Liaison Conference was immediately arranged and deliberations on our position, in view of this new situation, were most seriously considered. A tentative conclusion was reached on 30 June, and on

2 July it was submitted to the Council held in the presence of the Emperor (so-called Imperial Council) in which our national policy of the hour was finally determined. (cf. the first part of Exhibit No. 558)

49. In April of that year various rumors relative to a Russo-German war were already in the air. About 6 June our Government was in receipt of a telegraphic dispatch from Berlin describing an interview undertaken between Hitler and our Ambassador OSHIMA, according to which Germany apparently had a war against the Soviet Union in view, and, although Hitler did not divulge this intention of involving Japan in that conflict, the dispatch observed that he was perhaps inwardly looking to that contingency. A Liaison Conference was immediately convened but in that sitting the views of the Imperial High Command as well as the report of Foreign Minister MATSUOKA, who had shortly before returned from his mission to Europe, did not envisage the situation in such a



critical light, and the war talk involving the two powers was simply discarded. Furthermore, information from Ambassador Tatekawa in Moscow indicated that Russia and Germany, were unlikely to reach such an extremity even though relations certainly had been under considerable tension. Japan, herself, far from desiring to see a war between Germany and the Soviet Union favored from the outset the bringing of the Moscow regime into the orbit of the Tripartite powers. Under these circumstances wishful thinking, so to speak, got the upper hand in our appraisal of the situation, it being concluded by us that Germany's open grudge against Russia was nothing but a feint to screen her landing operations aimed at Great Britain, and such being our position watchful waiting then became the order of the day and we made no attempt to formulate a specific program to cope with that development. Coupled with the Russo-Japanese Commercial Convention, which had been signed provisionally about the 12th of June, the work of the delimitation of the frontiers between the Soviet Union and Manchoukuo around Nomonhan was also progressing smoothly. True a softened attitude observed in the Moscow authorities did cast upon our mind a slight suspicion, but this we attributed solely to our neutrality treaty and it was not taken seriously in connection with the contingency of the Russo-German war. About 16 June our military attache in Berlin telegraphed that a war between Germany and Russia was imminent, but we were unable to guess the probable time when hostilities



might really commence. About 19 June a Reuther's dispatch reported that German forces made an attack on the Soviet Union, and a day or two later the Russo-German war became an object of public belief. But, it was not until 22 June, as previously stated, that we really became aware of the war through an official dispatch from Ambassador OSHIMA.

50. Concerning the Liaison Conference, which was convened after the receipt of this dispatch, it should be borne in mind that the Conference as a whole looked upon this occurrence with a feeling of dismay. Prime Minister KONOYE assumed that in waging war against Russia the Berlin Government had flagrantly betrayed our confidence and that, consequently, Japan should withdraw from the Tripartite Pact, and he spoke to me accordingly. These facts make it quite clear that no tactical prearrangements or political consultations or any other similar understandings had been in existence between Germany and Japan in connection with the Russo-German War. Moreover, Japan was totally unprepared to deal with hostilities thus precipitated between the Soviet Union and the German Reich.

51. As was mentioned hitherto, "A Summary of the Empire's Policy According to the Changes in the Situation" (Ex. 588) was determined at the Imperial Conference held on 2 July 1941. That summary was proposed by the Imperial High Command, but in its preparation I also participated as Minister of War.



In Exhibit 1123, which is a part of my answer to a Prosecution interrogation, I was quoted as saying that the draft in question was initiated by myself, but that reply was a mistake on my part, and what is hereby expressed are the real facts of the situation as I have since reviewed them.

The sitting was opened at 10 o'clock, A.M., as I recall, and lasted until noon. This "Summary" while defining Japan's move in the face of an uncommon development, namely, a war between our powerful neighbor, the Soviet Union, with whom we had neutrality relations, and one of our allies, the German Reich, also settled our subsequent course of national action. However, that "Summary" was in substance but a reaffirmation of Japanese national policy adhered to up until that time. The main points may be briefly summed up in the following four headings:

(1) In spite of the changed international outlook Japan shall still hold fast to her previous policy of establishing a co-prosperity sphere in the regions of Greater East Asia.

(2) Japan should never overlook any effort to bring the China Incident to a speedy solution.

(3) In order to consolidate our position regarding self-preservation and self-defense Japan should accelerate her steps regarding the southern policy, however, strictly observing the decisions concluded at the Liaison Conferences of January 30th and June 25th 1941.



(4) Some military preparations should be made for any developments in the north contingent upon the outcome of the Russo-German war.

As stated before, that policy of ours was no more nor no less than a reavowal of what had been adopted hitherto by our Government excepting point four, which was newly set forth because of the Russo-German war. But this, too, did not imply any deviation from our original course of conduct, which was, "to keep quiet in the North" in conformity with the Russo-Japanese neutrality treaty so far as the situation in that region should not be disturbed by repercussions in Siberia from the Russo-German War.

52. In consequence, Japan went no further than to reinforce some units stationed in Manchuria and Korea. These units being on a peace footing had to be supplemented with men, horses and materials required by the changing circumstances. Regarding the dispatch of troops to southern French Indo-China, I must repeat that the item had not been acted upon under the policy defined on 2 July but was merely an implementation of the steps previously decided upon, although it did not take definite shape until the end of July owing solely to an unavoidable delay caused by the negotiations with France and the preparations accompanying the shipment of troops.

53. The pivotal problems that were discussed in the deliberations of the Liaison Conference and of the Imperial Conference in arriving at the "Summary" will be treated here so that the true intentions of



our Government at that time may thereby be clearly understood:

(a) Is Japan in duty bound to enter the war between Germany and the Soviet Union? The Berlin Government is apparently looking forward to our entry into the conflict, but we have no obligations whatsoever considering Article V of the Tripartite Alliance. Moreover, at the time of concluding that pact it was agreed that we should pursue our common and long standing objective of inducing the Moscow Government to work in concert with the Tripartite powers, and this agreement obviously absolved Japan from any obligation to participate in a war between Germany and the Soviet Union. For all that, the contingency cannot be ignored that an occasion may occur when Japan must wage war against the Soviet Union apart from any obligation arising under the Tripartite Pact and on an entirely different basis. For example, if peace and order in Manchoukuo should be imperiled by some disturbance caused by the progress of war in Siberia, or, again, in case the Moscow Government, eyeing Japan as an ally of Germany, challenged us to war. It was conceivable, therefore, that some military preparation in view of these possibilities was expedient. Moreover, the prevailing opinion among the members was that even if the chances of participating in a war were remote we should not neglect to solidify our fundamental defense system to guard against the necessity of war with the United States and Britain, as recent acts of those countries towards us were by no means reassuring.



(b) What effect should be given to the Russo-Japanese neutrality treaty as a result of the war between Russia and Germany? Here, Article V of the Tripartite Alliance stipulates as a legal proposition that the Russo-German war can have no bearing on that neutrality treaty, and accordingly Japan was entitled to abide by the treaty and keep "tranquility in the North".

(c) To what extent would the present American-Japanese conversations be affected by the war between Germany and Russia? In studying the American proposal dated 21 June 1941 we concluded the attitude of the Washington officials had been stiffened by the outbreak of the Russo-German war. Naturally, no small obstacles were anticipated in subsequent negotiations with them, but it was fully agreed among us that we must still work hard to make these negotiations a diplomatic success because a speedy solution of the China Incident was imperative, the tension in the south had also to be alleviated, and, of equal importance, we must stem the tide of the European war and prevent its spread into East Asia.

(d) Threats indicated by America, Britain and Dutch East Indies, and their extent, and the re-affirmation of our specific policy toward the south. That we had decided to hasten our southern policy in accordance with the decision reached on 25 June (Ex. 1306) was stated heretofore and, yet, no improvement was in sight on that point although we hoped that the deadlock might be ended by means of diplomacy. Notwithstanding all this the Anglo-American pressure



against us was ever growing. Was there anyone who could give us any possible assurance that a war with America and Great Britain would never follow so long as that pressure was persistently extended and enlarged, especially when the governing bodies in Washington and London continued their opposition uniformly in French Indo-China as well as in Siam, and by these manoeuvres closing the door to a diplomatic solution, the only feasible, peaceful means remaining to us? In fear of the worst, a decision was necessarily reached reaffirming our specific measures towards French Indo-China and Siam, and which was coupled with a firm determination to risk even a war with America and Britain if that were the only course left to us for self-preservation, and to that end adequate defensive preparation must be made.

(c) What should be done to solve the China Incident promptly? The Russo-German war enhanced the probable danger to which East Asia was subjected, and gave impetus to the need for a speedy solution of the China Incident. Our fixed policy of breaking the bond joining China, America and Great Britain had to be pursued with the utmost vigor so that influence could be exerted on the Chungking Regime. Not to repeat our previous failures in settling decisively the said Incident, the Japanese Government might be compelled to exercise her right of belligerency against Chiang if the exigencies demanded it, and some of the international concessions and settlements existing in China might also have to be seized if they presented a hostile attitude.



However, these steps would, no doubt, involve Japan in an extremely delicate relationship with America and Britain so therefore the most careful considerations must be exercised before these measures are put into execution. In this respect the opinion was expressed that we had better wait until the United States definitely enters the war with Germany and the above measures should be resorted to only in that extremity.

(f) Is there a hazard that the United States will enter the European war? What stand should we take if that act materializes?

The probability of America's entry into the European war was considerably heightened by the actions of that country, which amounted practically to war, and by the opening of hostilities between Germany and the Soviet Union. Needless to say Japan must act in accordance with the stipulations set forth in the Tripartite Pact if the United States entered the arena, but the stages through which the Washington Government might involve itself in war seemed beyond conjecture. Therefore, the question whether Japan should take up arms, if at all, and, if so, the time when we should have recourse to war as well as the manner in which the war was to be waged must be determined afresh, after weighing the situation carefully and from our own independent standpoint.



54. The Prosecution, resting its argument upon Section 2, Article B of the "Summary of the Empire's Policy", 2 July 1941, charges that Japan's southern venture had obviously been designed as a hostile move against America, Britain and the Dutch East Indies. But as stated before, our decision in this regard was made in order to facilitate more fully those measures applicable to French Indo-China and Siam, but neither Malaya nor the Dutch East Indies were involved. In other words, our southern policy was never conceived in opposition to America, Great Britain and the Dutch East Indies, but in its execution as concerned French Indo-China and Siam we had naturally to anticipate stubborn resistance by America and Great Britain, and should they provoke Japan at that stage we had no other alternative than to fight both of them. It was entirely in that sense that we made our defensive preparations for a possible war with America and Great Britain.

NEGOTIATIONS BETWEEN THE UNITED STATES AND JAPAN UNDER  
THE THIRD KONOYE CABINET (Part I, Negotiations prior  
to September 6th 1941)

55. Under the Second KONOYE Cabinet the negotiations between us and the United States came to a standstill, and the ultimate downfall of that Cabinet resulted. The reasons ostensibly given for the resignation of the Second KONOYE Government were well stated to this Tribunal in the testimony of the witness MITARAI, some time ago, and the circumstances



leading up to the resignation are to some extent described by Marquis KIDO in his Diary. (Ex. Nos. 1115 and 1116). The overthrow of the Government, however, was in fact caused by the necessity of removing Foreign Minister MATSUOKA with a view to a prompt, conclusive and satisfactory settlement of the American-Japanese negotiations.

To have demanded his resignation would certainly have implied political discord so the Government to avert such a situation resigned en masse. It is undisputably shown also by the conclusion reached at the meeting called at KONOYE's villa of Mejiro on 16 July 1941, which was participated in by the Prime Minister and those Cabinet members having a voice in the Liaison Conference, namely, HIRANUMA, SUZUKI, OIKAWA and myself. The conclusion was, resignation en masse, which was consummated that evening. To put it another way, the second KONOYE Cabinet was not loath to displace its Foreign Minister for the sake of concluding with success the pending American-Japanese negotiations. From these circumstances, too, the character as well as the mission of the third KONOYE Cabinet will be clearly perceived.

56. Notwithstanding, the Washington officials misunderstood our dispatch of troops to the southern part of French Indo-China and regarded it as the first step in an alleged southern expansion policy directed against America, Britain and the Dutch East Indies. Washington intimated a desire to end



the negotiations under the plea that it was unable to find a basis on which peace in the Pacific was to be maintained, and went so far as to freeze our assets in the United States. Confronted with this new situation the Japanese Government even then did not abandon the hope of reaching a peaceful solution but did everything within its power to smooth the way for further negotiations. President Roosevelt's proposition demanded that we give up our contemplated dispatch of troops to French Indo-China, or if the dispatch was already underway to withdraw them immediately. Upon these conditions the President suggested the following two points.

The first was that a joint guarantee be given by Japan, America, Great Britain, the Dutch East Indies and the Chinese Republic ensuring the neutrality of French Indo-China. The second was that a guarantee was to be extended to Japan to enable her to obtain necessary materials and supplies from French Indo-China. On the other hand, we made a counter proposal following the deliberations in the Liaison Conference, which was convoked on 4 August 1941. The gist of that counter proposal can be summarized in the following four points: (Ex. 2885)

(1) Japan shall not extend the stationing of troops further than French Indo-China; on the solution of the China Incident, the Japanese troops are to be withdrawn from that territory.

(2) The guarantee of the neutrality of the Philippines is to be given by the Japanese Government.



(3) The United States shall eliminate all threats of a military character existing in the south-western Pacific areas, and also recommend to both Great Britain and the Netherlands to do the same.

(4) The United States shall co-operate with Japan in the latter's effort to obtain necessary materials in the south-western Pacific, especially in Dutch East Indies. Additionally, the United States shall take such steps as will contribute to the restoration of normal relations between the United States and Japan.

As a matter of fact the stationing of troops in southern French Indo-China by Japan was being undertaken for the reasons heretofore outlined so it was impossible to accept the President's proposition requesting the withdrawal of her troops from that region unless the causes necessitating those measures were removed or, again, some alleviation of the situation there was really in sight. So far as the vital problems of our country were concerned, it would be out of the question for Japan to concede to the proposed withdrawal merely because of the duress imposed by other powers. Japan's limitations on the dispatch of troops, as well as the time when she would withdraw her forces, were clearly expressed. Japan made all the concessions possible at that time but the United States was adamant in the demands put upon us. Washington, moreover, totally ignored the questions pertaining to the elimination of those



causes which made necessary the presence of Japanese troops in French Indo-China.

57. To Premier KONOYE there was but one course remaining which might in our estimation tide over this dangerous situation. That was a personal meeting between the heads of the two countries where in all frankness opinions could be exchanged on broad lines seeking to restore between the two countries amicable and cooperative relations. Accordingly, instructions were cabled to Ambassador Nomura in Washington on 7 August to present to the United States a request for the arrangement of a personal interview between President Roosevelt and Premier KONOYE, and this was followed up on 28 August by a message to the President from Premier KONOYE. The Washington Government had no objection to the suggestion in principle, but expressed its reluctance to comply with our request unless an agreement was first reached covering all the essential matters. Under the heading of essentials Washington considered, especially, an interpretation of our obligations under the Tripartite Alliance as well as the implementing of its stipulations, also the questions concerning the Japanese forces stationed in French Indo-China and the indiscriminate treatment to be applied to international commerce, which agreement the United States Government regarded as a matter of supreme importance. Hence, the hoped for interview was fraught with difficulties at the outset, and seemed doomed to failure.



THE IMPERIAL CONFERENCE HELD ON SEPTEMBER 6th, 1941

58. Japan was confronted with a grave situation fatally involving her system of national defense on 26 July 1941 when her assets in America, Great Britain and the Netherlands were frozen. We were forced by this crucial happening to adopt immediately some expedient measures for our future security and continuance as a nation. Thereupon, an Imperial Conference convened on 6 September 1941 at which a general plan was agreed upon designated as the "Execution of the Empire's Policy". (the middle part of the Exhibit No. 588) The substance of this plan was established at a Liaison Conference held a day or two before, and it was finally adopted at the said Imperial Conference. The plan was initiated by the Imperial High Command, and was based upon its anticipated requirements. I, for one, took part in my capacity as War Minister.

59. In substance the "Execution of the Empire's Policy" consisted of proceeding along the following broad bases of action on previously determined measures applicable to the south in view of the constrained circumstances:

(1) Determined efforts should be made to reach a final compromise regarding the American-Japanese negotiations not later than the first decade of October. On this point our minimum demands as well as the limits of the obligations we could undertake should be determined; the



demands to be attained by means of concerted diplomacy.

(2) Meanwhile we should complete preparations to ensure our self-defense and our self-preservation with such high resolve as not to evade fighting with America and Great Britain not later than the third decade of October.

(3) To make up our mind to go to war with America, Britain and the Netherlands if our demands were not to be satisfied diplomatically within the time designated.

(4) Other measures than these should be prosecuted according to the previous decisions.

60. The stringent conditions then existing and the circumstances under which this plan of action had been decided are largely summarized under the following seven headings from information which was supplied to me at the time: (Def. Doc. 2923)

(a) The economic pressures brought to bear upon Japan by the American, British and Dutch Alliance. Pressures of various kinds were brought to bear upon us by America, Britain and the Netherlands in close unity to starve us economically prior even to Japan's stationing of troops in French Indo-China. The freezing of our assets in those countries was decreed on July 26th. The High Commissioner in Manila, at the same time, took steps to apply that measure to the Philippines. On the very same day Great Britain notified us of the abrogation of several treaties of commerce and



navigation which had been concluded between Japan and Great Britain, India and Burma, and with it the announcement that all Japanese assets in the respective regions of the British Empire were frozen. The Netherland's Government followed suit also on July 26th. That there existed a combination of the closest nature among these governments was visible beyond question in view of the proof that the same steps to freeze Japanese assets in their respective countries were taken simultaneously by America, Britain and the Netherlands. These acts culminated in a comprehensive economic rupture with Japan, and, after that moment, with our foreign trade cut off from all regions other than Manchuria, China and French Indo-China, the commercial activity of Japan was at the point of annihilation.

(b) Incessant intensification by America, Britain and the Netherlands of a military encirclement of Japan, and the expansion of their military preparations.

It was well known by us, of course, that since May of 1940 the main force of the American Navy, with its strength greatly augmented, especially its air arm, had been advanced to Hawaiian waters, and retained there. In July 1941 the President requested from the U. S. Congress an appropriation of \$300,000,000 for strengthening the defense of those far flung islands of the Pacific. Thus the relations between Japan and America were consequently put to a severe strain. Accompanying those steps, a



tremendous military and naval expansion scheme was formulated on the part of the United States. A Senate bill gave the Secretary of the Navy power to extend time limits concerning the naval services so long as the national emergency existed. In the same month the President called upon Congress for the authorization of an additional sum of \$3,323,000,000 to be applied to expenditures for the Navy as well as the Maritime Commission.

According to an announcement of the U.S. Navy on September 3rd naval vessels either under commission or those that had been under construction between January and August of the year amounted to 80 in all, including 2 battleships, 9 submarines and 12 destroyers. On July 26th the installation of the Eastern Military Command in the Philippines under General Douglas McArthur was made public. On July 30th the Military Committee of the House of Representatives adopted a resolution granting the President the powers to extend the term of years in which the regular army, national guard and organized reserves were under colors.

In August 1941 it was announced by President Quezon that 30,000 of the United States organized reserves were to be called into service under the command of the Far Eastern Army under General Douglas

McArthur. According to an announcement on July 25th by the War Production Board during the fiscal year commencing in May 1940 a total of \$50,780,000,000 was appropriated to strengthen armament and airplane production. On July 10th President Roosevelt



requested of Congress authorization to spend \$15,000,000,000 for national defense and for \$47,000,000,000 to be applied to strengthen the army, which was a part of the expenditures concerning lend-lease output.

From these sources of information it was clearly discernible that the United States was exerting itself feverishly in military expansion. Similarly, the coalition between America, Great Britain and the Netherlands was made all the more impressive by the following intelligence received by us. The Maritime Commission of the United States, on July 24th 1941, announced the sending of a naval liaison committee to Darban, Calcutta, Singapore, Manila and Honolulu. On August 26th Mr. Fraser, the Prime Minister of New Zealand, made it plain that the common utilization of the bases in that country were to be granted to America, Australia and the Dutch East Indies. The Foreign Minister of the Chungking Regime, Mr. Quo Tai-chi, broadcast a speech emphasizing the necessity of consolidating the bond uniting America, Britain and China. President Roosevelt also announced at the end of August the sending to Chungking of a military mission headed by Brigadier General Magruder. Furthermore, information was received by us that expressions of a threatening nature were publicly made by certain high officials in Washington. To quote some of them, the Secretary of the Navy,



Mr. Frank Knox, in a speech delivered at the Governors' Conference in Boston stated that now was high time for the American Navy to act. President Roosevelt, in his special message to the Congress, asked for authorization to announce the existence of a national emergency. Again, Secretary Knox on July 23rd disclosed that the Navy was going to put into speedy practice such steps as were necessary for the execution of the American Far Eastern policy. On August 14th the much heralded joint declaration of the United States and Great Britain was made public. On August 19th President Quezon of the Philippines and Vice-President of the United States, Mr. Henry Wallace, exchanged wireless addresses in which President Quezon committed the Philippines to the side of America when the latter enters the war. In this way reports concerning these threatening words and acts were forthcoming in rapid succession. Furthermore, we were informed that a military alliance had been concluded in a conference held in Singapore in June of that year between representatives of Great Britain and Generalissimo Chiang Kai-shek concerning their conduct of the war.

(c) Deadly blow dealt to the Japanese program of national defense. The freezing of our assets by America, Britain and the Netherlands made it extremely difficult for Japan to obtain materials for her national needs and, in consequence, the elasticity in our national power was on the point of extinction. We were compelled to



depend entirely upon those resources found within the Empire together with those in Manchoukuo, China, French Indo-China and Siam, having been completely shut out from the rest of the world by these promulgations. As to many materials of crucial importance we were restricted to those piled up within our domain and especially that of oil we had to depend entirely upon the amount kept in stock. In the face of this situation our national power was losing its force day by day. For example, our Navy would be deprived of its mobility within two years' time; our important industries which relied heavily on liquied fuel would be paralyzed, even though the restrictions on that fuel was made as severe as a war time measure permitted. Under these circumstances a fatal blow was sure to be administered to our national defense situation.

(d) The American-Japanese negotiations had reached a virtual deadlock; the determination to break it in the last stage. The Third KONOYE Cabinet, which was formed after the Government, in order to combat the gloomy situation, had displaced Foreign Minister MATSUOKA, struggled assiduously but in vain trying to solve the knotty problem. The Premier, KONOYE, conceived of the personal meeting between the heads of the two countries concerned, but the United States by its actions did not show any inclination to accept that proposal. On the Japanese side the Government was resting its hope on the said negotiations for the sole purpose of avoiding war even though our production was jeopardized to the ultimate degree by the political,



military and economic pressures exerted by the three powers. After reflection upon these unsavoury results we determined that in order to accomplish our objectives a different basis of negotiations had to be contrived from a new angle entirely.

(e) The ever growing difficulties of settling the China Incident. The Chungking regime kept up its War of resistance with intimate and abundant support from America and Great Britain. All our efforts to achieve a solution proved futile. The situation in the south was in consequence assuming more and more of a critical aspect. Thus Japan was in the predicament of facing the two problems of China and of the South at the same time.

(f) Preparations for an emergency war with America, Britain and Dutch East Indies in order to satisfy the requirements of our strategy.

In this fashion Japan was placed in a perilous position from the standpoint of national defense, yet she worked industriously to surmount the gathering crisis through pacific means although a rupture in the American-Japanese negotiations nevertheless also had to be contemplated. Since this possibility of a rupture existed at all the Imperial High Command was in duty bound to make some preparations to meet that contingency. These consisted of a mobilization of manpower, requisition of shipping, refitting of vessels, insuring maritime transportation, and other similar steps of extensive application. Apart from diplomatic



considerations these preparations could not be entirely performed by the High Command. They must of necessity be made on the assumption that the will of the Empire is determined immovably to carry them out.

(g) Relations between diplomacy and strategy. If Japan could not solve the fatal situation by means of diplomacy then there would be no way remaining to her but to take up arms and break through the military and economic barrier flung around her. In that event matters must move from diplomacy to strategy. If compelled to resort to arms there was an important limitation in the time element relative to the expediency of landing operations and the procuring of strategic materials. As to landing operations, the High Command considered that the month of November was the most conducive time for a successful operation; December possible but difficult, and in January quite impossible of performance. If the plans for a break through of the encirclement was delayed until Spring it should be postponed further owing to the attitude of the Soviet Union and also due to the rainy season. In the meantime the strategic materials stocked for use would be considerably exhausted, and our plight would be more serious.

The High Command requested one month's time at the least, After the national decision to engage in war was reached, before hostilities were commenced.



From the above considerations, primarily that of operations, it was vital to set the deadline in the diplomatic negotiations with the United States for early October.

All the circumstances set forth above, among others, were the driving force necessitating the national policy as formulated on 6 September.

61. As for the outlook in case war should break out with America and Great Britain it was apparent that we could not be too hopeful of winning against the two greatest powers in the world. Japan had no alternative but to advance to the Pacific and Indian Oceans, holding important strategical points, occupying regions for military resources and repulsing enemy attacks to the best of our ability and spirit to the last ditch.

#### OPERATIONAL PLAN FOR POSSIBLE WAR

62. Here in Japan, the Imperial High Command, was quite independent of diplomacy, and in duty bound to prepare operational plans of action having neighboring states as hypothetical enemies. But neither the High Command nor the Government maintained any war plan against any particular country. This situation ensued from the following circumstances, (a) a complete separation and independence between civil administration and High Command, (b) a sharp demarcation between the Army and the Navy, and (c) the fact that the Army



and the Navy each had separate and independent objectives in point of future operations.

In consequence, we were quite unable to have a provided plan of war even if such a plan of war was actually essential. There were no preparations for war therefore since we were not equipped with a plan of war, still less, any permanent plan for war in anticipation of a conflict or conflicts in the Pacific was not even dreamed of. True, we were ardently desirous of laying a firm foundation for the state aimed at national defense, that is, a highly developed military state to meet the exigencies created by the China Incident and the changing international situation and we also hoped for the speedy realization of a national structure to cope with the emergencies, but this was entirely due to preparing ourselves for the shifting international situation. In other words, our objective in this respect was to set up a system by which the total power of the state was to be mobilized in such a manner that the integrity of the Empire might be safeguarded, and involvement in a war other than the China Incident might be averted. Prevention of war, rather, was what we aimed at and not preparation for war. On that point there was no distinction between us and other nations of the world as none of them in those days neglected any measures aiding a strong national defense.



63. Meanwhile, it was correct that we were also attempting to consolidate our military preparations. As for the Army, its main objective in this respect was based on a plan of operations to protect us from an onslaught by the Soviet Union. After the China Incident broke out our military preparations were never augmented beyond the extent which our operational needs required. The Army at no time undertook an armed expansion for the purpose of war in the Pacific. As for Navy preparations, these were entirely beyond the scope of my authority, and I had nothing to do with them whatsoever.

64. Japan's preparations for possible hostilities against America and Britain were made as emergency measures and were carried out pursuant to the following three basic considerations:

(a) The first of these was the decision reached at the Imperial Conference held on 6 September 1941. We began to work out such emergency operational measures as might be applicable in the event of a war with America and Great Britain upon the basis of the decision arrived at in this conference.

(b) According to the decision in the Imperial Conference held on 5 November 1941, to be covered hereafter, serious preparations for actual operational measures were initiated.

(c) By the decision arrived at on 1 December 1941, preparations for the opening of hostilities were commenced.



65. As already mentioned, our military preparations were made for the purpose of defending ourselves from a Soviet aggression, the standard number of mobilized effectives being placed at two thirds of the forces which the Soviet Union might be able to deploy in the Far East. However, our objectives in this expansion were never reached in the face of a continued increase in the Soviet Far Eastern armies, restraints in the field of our national finance, as well as shortages in the productive powers of our war industries; the said preparations being especially unsatisfactory in regard to our aeronautical arms equipments for mechanized units. Upon the whole it grew more and more difficult for us to maintain the required standard of our military preparations subsequent to July 1937, when the China Incident broke out, especially in point of air defense. Moreover, we were eventually compelled, by the urgencies of the situation to transfer and convert parts of those forces and materials previously assigned to Manchuria, China and our homeland, so that this manpower and equipment might be used in, and adapted to, pelagic operations in the south; our only choice being an attempt to meet the new situations by these extemporaneous and haphazard improvisations. Furthermore, we rearranged such munitions and materials as were required in our operations according to the casual devices above explained. Only about 10 per cent of our entire forces that had been transported to



Formosa and French Indo-China were to be employed in the future southern contingency.

66. Our war production was carried on to satisfy the needs herein described, and that applying to the Army may be summed up in the following four headings.

(a) Production to supply such materials as were required in executing the plan of operations against the Soviet Union.

(b) Production of such materials as were required in the determination to settle the China Incident. (Chiefly replenishment of exhausted supplies)

(c) Production of materials for use in military education.

(d) Production of materials to be maintained at home in reserve.

We ascertained that we could not even meet the barest minimum requirements of the Army owing in part to the urgent need for the production of naval materials.

67. What did we do about military preparations in the face of the critical situations with America and Great Britain? With war clouds gathering ominously, it was only by making occasional preparations in manpower and military materials, namely, by conversion of a number of forces and munitions that had been specifically employed elsewhere; by disposition of those reserves as had been assigned for defense of the homeland; by restrictions placed upon the volume of materials to be consumed in the China



operations, and by curtailment of military educational materials that we were able to somehow manage to meet the situation in the early part of the Pacific War. An increase of the sources on which war production depends cannot be expected on the spur of the moment. Owing to the economic pressure effected against us for years by America and Britain, and especially to the economic blockade of July 1941, it was made extremely difficult, yes, almost impossible, for us to obtain raw materials and other goods and articles needed so vitally. Thus we were impotent to expand our production sufficiently to respond to a purpose to wage a war against powerful America and Great Britain. Significant difficulties were encountered, moreover, in the production of our air arms and oil fuel. From this standpoint wholesale war preparations aimed against America and Britain may be said to have been non-existent so far as the Japanese Army was concerned.

68. Next, as to manpower we had comparatively ample resources in that regard but being fettered with constant and necessary demands from industry we could never attain our objective as to its expansion in full measure. To make the best of these short-comings the Government reluctantly resorted to the policy of permitting youthful scholars to continue their studies as before, though this measure was adopted not without some considerations for the future good of the Empire. However, with the advance of the Pacific War, particularly the middle



stages, the insufficiency of available manpower became glaringly evident, and as there was an urgent need for supplementing the subaltern cadets a call to the colors was made for the greater part of these students. In short, we were unable, because of the restraints put upon the expansion of productive powers in general, to make effective war preparations simply by turning into good account our relatively ample manpower.

THE AMERICAN-JAPANESE NEGOTIATIONS UNDER THE THIRD  
KONOYE CABINET

(Part II, After the Imperial Conference on 6 Sept. 1941)

69. After the decision reached in the Imperial Conference on 6 September, American-Japanese negotiations were conducted solely through Foreign Minister Toyoda, so I shall but refer briefly to it here from my own understanding. The course of the parley underwent a change at that time, and it was conducted through two channels, one of them being through Ambassador Nomura and the State Department, and the other through our Foreign Minister Toyoda and the American Ambassador in Tokyo. Our best hopes were pinned on these negotiations as well as on a personal meeting between the responsible heads of the two countries, sponsored by Premier KONOYE. The U.S. reply to the latter was presented to us in the shape of an "Oral Statement" dated 2 October 1941.

(Ex. 1245-G) According to the remarks made by Secretary of State, Mr. Cordell Hull, when he handed Ambassador Nomura the statement, the United States Government was of the opinion that a personal meeting between the responsible chiefs of the two



countries harbored a danger unless a previous understanding was first reached on the matters to be discussed in that meeting. In order to maintain general peace in the entire Pacific Area a "patched-up" talk would not answer the purpose; what was necessary, that Government insisted, would be a "clear-cut" agreement. This proposition on the part of the United States demanded a manifest recognition of the following four principles to be given by us:

(1) Respect for the territorial integrity and the sovereignty of each and all nations.

(2) Support of the principle of non-interference in the internal affairs of other countries.

(3) Support of the principle of equality, including equality of commercial opportunity.

(4) Non-disturbance of the status-quo in the Pacific except that the status-quo may be altered by peaceful means.

Added to these, the Washington Government insisted upon a clear-cut expression of the Japanese Government's intentions in regard to the interpretation placed upon the Tripartite Alliance, the stationing of our troops (in China and elsewhere) and non-discrimination in international commerce. Briefly, the hopelessness of the personal meeting above mentioned was made crystal-clear by these developments. Japan had made concessions to the United States to almost unbearable limits so that the negotiations might be successfully concluded, and yet the United States showed no signs of responding to them and



that Government did not move an inch even from the position taken by its proposal dated 21 June 1941.

Japan sought to solve vital problems which involved her very existence nationally, whereas the United States stubbornly adhered to the theoretical principles enunciated at the initial stage of the negotiations. The intention of the United States Government at that time was considered to have been unerringly disclosed by Ambassador Nomura in his dispatch dated October 3rd, which referred to the American situation in general (Ex. 2906). The Ambassador stated in this telegram that the United States was involving herself more and more in the Atlantic war, thus creating a lull in its move toward Japan, but nevertheless, as before still pursuing its fixed policy of relentlessly continuing the economic pressure against Japan. This, the Ambassador pointed out, warranted our urgent attention. In the same telegram, the Ambassador further made observations that the United States, by waging an economic war against Japan while at the same time keeping herself out of actual war, was in a position to reap the fruits of victory over Japan without resorting to an act of war.

In this connection also there was a telegram from the British Ambassador in Tokyo addressed to British Foreign Minister EDEN (Ex. 2908). The British Ambassador held that, (1) the prospect of a successful moderate policy on the part of Japan was improving owing to the resignation of Foreign



Minister MATSUOKA, and (2) while a speedy conclusion of the negotiations was an urgent requirement in the case of Japan, and while she could not at that time go beyond some general understanding; the United States was not only dilatory in its dealings but was also employing varied tactics in an attempted adjustment of the relations between the two Powers. He observed that it would not be prudent for the United States to miss this fine chance by needless precautions caused by her inability to comprehend Japan's real feelings and Japan's internal situation, which did not permit of a further delay in reaching some agreement.

We looked upon this as a typical observation entertained at that time by a third party, but the situation was not remedied, and thus the American-Japanese negotiations met with another tremendous obstacle. The third KONOYE Cabinet, vainly exhausting its efforts in these prolonged negotiations, collapsed in the middle of October.

#### DOWNFALL OF THE THIRD KONOYE CABINET

70. The third KONOYE Cabinet utilized all of its efforts in the American-Japanese negotiations, resting its entire hope in that accomplishment, but, as already remarked, the situation had reached a point where from our military viewpoint the issues of war versus peace could no longer be delayed. Previous to the downfall of the Government, there took place on 12 October at Tekigaiso (Premier KONOYE's villa



at Ogikubo) a consultation of five ministers of state which was followed by the regular Cabinet Council on the 14th of the same month. It was at this Cabinet Council that a difference of opinion came to a head between Foreign Minister Toyoda and myself, then Minister of War, with regard to the ways and means of conducting our future state policy; the controversy culminating in the resignation en masse of the KONOYE Ministry. The full details about this event are fairly well described in the "Circumstances Relative to the Resignation of the Third KONOYE Cabinet" (believed to be the dictated records of Prince KONOYE) (Ex. 1148) as well as in the entry of Marquis KIDO's diary of 15 October, (Ex. 1150), but there being some discrepancies in both from what I myself then witnessed as Minister of War, I shall relate them here briefly.

71. As previously stated, the Empire's decision was reached that war against Britain, America and the Netherlands should not be determined until all hope was lost regarding our requests, which should be met by the first decade in October, and that the American-Japanese negotiations should be given every opportunity for settlement. Concerning the reason why the Imperial Conference of September 6th was imperative, Prince KONOYE narrates at the end of Section 2 of his record (Ex. 1148) as follows:

"Thereupon I addressed a message to President Roosevelt proposing a personal interview. The President expressed his willingness to comply with my proposal but intimated that concerning the matters of paramount importance an agreement should be reached in their outlines previously. It was for determining the



fundamental principles of dealing with this situation that the Imperial Council was convoked." Thus, the Prince made this need of determining the prerequisite of the personal meeting with the President the only reason for the convocation of the said Conference. Of course, that was the main reason for the Conference, but it would be misleading to say that that was the only reason to the exclusion of all others. As a matter of fact, the said Conference was called, for one thing, in order to determine the ways and means of putting our southern policy into execution in correlation with our diplomatic outlook, and that fact was clearly revealed by the agenda of the Conference. Moreover, it was convened in answer to the requests from the Imperial High Command, which had found it necessary to start emergency operational plans at the time.

72. Both the Government and the Imperial High Command, in conformity with the decision of the said Imperial Conference, were proceeding with their respective measures of diplomacy and operational preparations. As for operational preparations, they were going on unevenly but as scheduled, while diplomatic negotiations with the United States were very far from a smooth sailing. As late as the last part of September the conversations were still in a state of deadlock. Thereupon, the High Commands of both the Army and the Navy in the Liaison Conference of September 25th went so far as to present the Government with a demand calling for a prediction of the success or failure of the pending negotiations,



and also to decide the issue of peace versus war not later than the 15th of October 1941. (Ex. 1141)

However, as I have stated, the Washington Government accepted neither our proposal based upon the decision of September 6th nor Prince KONOYE's proposal concerning the personal meeting between the responsible heads of the two nations. In reply Secretary Hull gave us the Oral Statement, dated October 2nd, (Ex. 1245-G) in which in spirit a slight sign of mutual concession was discernible. It was on October 4th that we received it, and immediately the Government convened the Liaison Conference and forthwith set out to investigate that document. Another Liaison Conference was called on October 8th, but it was difficult to arrive at any conclusion. The attitude as well as the views held by the Army General Staff about that time were roughly as follows:

(1) No hope was to be entertained about the American-Japanese negotiations in view of the attitude of the Washington Government, which was entirely without any inclination to give and take.

(2) The Army General Staff disagreed with our unconditional recognition of the four cardinal principles enunciated by America, as well as to the conditions imposed on our stationing of troops in China, or to any concessions relative to conditions placed on the stationing of our troops.

(3) It had no mind to revise the decisions reached in the Imperial Conference of 6 September 1941.



At that time, I was informed by the Chief of the Army General Staff that the General Staff of the Navy had also a similar concept in this respect. What the Imperial Headquarters apprehended in those days was America's policy of procrastination by which course Japan might unwittingly be imposed upon. I, too, was generally of the same opinion, so that on the 10th of October I saw the Prime Minister and expressed for his consideration the gist of the concepts entertained by Imperial Headquarters.

73. At two o'clock, P.M. on 12 October 1941 the meeting of the Five Ministers of State was held at Tekigaiso (Prince KONOYE's residence at Ogikubo) in response to an invitation from the Premier. The meeting was attended by Prince KONOYE, Navy Minister Oikawa, Foreign Minister Toyoda, President of the Planning Board SUZUKI and myself, as Minister of War. No responsible person from the High Command of either the Army or Navy was present, or anyone other than the five Ministers. The meeting continued until after 6 o'clock of that afternoon. I did not counsel together with the Chief of the General Staff or with any other Staff officers before participating in the meeting as I was well acquainted with the views of the Imperial High Command. In "The Circumstances Relative to the Third KONOYE Cabinet's Resignation" (Ex. 1148) the following paragraph is found on page 2 of the Japanese original, and also on page 2 of the English version: "However, on the day before the conference, Chief OKA of the Naval Affairs Bureau came and in talking



with him stated that with the exception of the Naval General Staff the brains of the Navy don't want a Japanese-American war, but since the Navy, herself, cannot say 'she cannot do it' in view of her approval of the decision of the Imperial Headquarters, the Navy Minister will propose to leave it in the hands of the Prime Minister at tomorrow's conference; so we would like you to decide on continuing the diplomatic negotiations".

Never did these things come to my knowledge nor to the knowledge of my subordinates at that time.

The purpose of that meeting was an informal conversation among the Ministers concerned with regard to the prospects of the current American-Japanese parley as well as the decision to be taken regarding the issue of peace versus war. The argument went on many hours and the major points in the contention held by several participants are recapitulated here though the details of that discussion have gone out of my memory.

The Contention of Premier KONOYE and Navy Minister Toyoda was that Japan holds fast to the policies held until today there cannot be any hope to conclude the parley with results. Meanwhile as the crux of the difficulty lies in the question of evacuating our troops from China a specific concession on our part on that point may be accompanied by some hope of success. To the Empire of Japan there is left some room about this problem of the evacuation question in which we may retain what is substantial to us and



concede the nominal. That is to say, we may agree at first to withdraw our troops wholesale in conformity with the American requests, and, subsequently, we may yet retain our forces in China under an agreement made with China on an entirely new basis. Practically, this was tantamount to a revision of the decision reached on September 6th. However, the two Ministers did not mention that it was a revision of that decision.

My position was as follows. Judging from the course that the negotiations have taken hitherto, especially from the American reply dated October 2nd, which was made to our proposal founded upon the discussion in the Imperial Conference on September 6th, as well as the American virtual refusal to a personal meeting of the responsible chiefs of the two countries, could anyone entertain the slightest hope that the parley would ever successfully be concluded? To continue the conversations longer will surely result in our being imposed upon by America's dilatory policy. In case we are forced to make war with the United States, we may be placed in a precarious position and suffer considerable restriction in the conduct of such a war by allowing ourselves to drift along with that procrastination. Now is the time, therefore, to make a decision anticipated in the resolution of September 6th. With reference to the withdrawal of our troops from China, we have been acknowledging the principle of complete evacuation from the outset. Negotiations regarding the stationing



of our troops have always been made in accordance with the basic treaties concluded between us and China. The attitude of the Foreign Minister differs in no way from that as here stated. However, the United States aims in quite another direction. It has become quite clear that she is demanding from us our unconditional withdrawal. To put it another way, she is demanding from us an instantaneous and entire evacuation, both in name as well as in fact. Accordingly, any compromise with the United States is inconceivable along the line suggested by the two Ministers to retain what is substantial and to concede the nominal part. If we swallow the American demands, totally giving up the stationing of our troops in China, and withdraw them wholesale, what then will ensue after that? Not only would Japan bring to naught those sacrifices and those efforts paid for in the course of the China Incident of more than four years standing, but also the Chinese contempt for Japan will ever expand if we retire from China unconditionally because of United States duress. Relations between Japan and China will grow worse coupled with the thoroughgoing resistance against Japan maintained by the Communists in China. Certainly the China Incident II and the China Incident III would be the result, and repercussions at our loss of prestige will be keenly felt in Manchuria and Korea. Moreover, difficulties confronting the American-Japanese negotiations are not to be confined to the single question of evacuation, but include also the recognition on our part of the



said four fundamental principles, interpretation to be placed on the Tripartite Pact, non-discrimination of international commerce, and many other matters. Viewed in this dim light, a compromise with the United States became too insurmountable to apprehend: However, I will reconsider my position if the Foreign Minister is of the opinion that there remains any hope of success in this connection. As to the discussion relative to the issue of peace versus war, it has a huge bearing on the Imperial High Command, so that the question could in no way be entrusted to the Prime Minister alone.

The contention of the Minister of the Navy, Oikawa was this: entrust it to the Premier to foretell whether there is any hope in the parley or not. However, at present Japan is placed in such a momentous situation as to decide the issue of peace or war, so if we are to fight at all, now is a good opportunity. Were we to go to war, I hope you will decide it right now. If we while away two or three months time from now on, induced by an equivocal prospect of hope, and after that we are to go to war, the Navy is annoyed indeed. If we are to do it diplomatically, let us do it diplomatically, right or wrong.

But the Navy Minister did in no way refer to the prospect of a desired compromise nor to the methods to achieve it. On those points he wanted to entrust them to the Premier for his decision.



In this way no agreement being reached, mutual consent ensued on my proposition. That is to say:

(1) No alterations are to be made about the policy concerning the stationing of troops, (in China) and also any other policies centered on this theme.

(2) No impairment to the fruits reaped in the China Incident is permissible.

Making these as prerequisites, a diplomatic success is to be sought. An earnest hope was also expressed that a confidence for satisfactory results be formed not later than the time the Imperial High Command see fit. So long as we are proceeding with this determination preparations for military operations are to be suspended. The Foreign Minister will make due investigation on whether the above proposition is possible or not. This agreement was not reduced to writing, however, these observations of mine may be corroborated by an examination of the entry in KIDO's Diary of 12 October 1941 (Ex. 1147).

74. Next morning, I met the Chief of the General Staff and recounted to him a resume of the situation in the five Ministers' meeting, and briefly acquainted him with the items in the said mutual consent, intimating to him to suspend operational preparations while diplomatic negotiations were going on. The High Command was very much perplexed, but somehow his assent was given to it.



75. The 14th of October, incidentally, fell upon the day on which a regular Cabinet council was to be held. On that morning prior to the Cabinet meeting I saw the Premier at his official residence.

The conversation did not develop beyond the results reaped in the meeting at "Tekigaiso" on October 12th. The account affecting this conversation as related in Exhibit 1148 ("The Circumstances Relative to the Third KONOYE Cabinet Resignation") though somewhat embellished, roughly corresponds on the whole to the occurrences witnessed there.

At 10 o'clock in the morning, the Cabinet council was opened whereupon Foreign Minister Toyoda expressed an opinion similar to that which he had disclosed during the talk at "Tekigaiso". I also made an explanation which was the same in purport as I had done at that meeting. In this council neither Premier KONOYE nor Minister of the Navy OIKAWA, nor other colleagues, except the Foreign Minister, made any remarks at all. Thus a collision ensued between the Foreign Minister and myself, and all was over.

76. Details about the situation after that event are, so far as I myself was concerned, depicted in Exhibit No. 1148 ("The Circumstances Relative to the Third KONOYE Cabinet Resignation"). On page 12 of the Japanese text, page 7 of the English text (R. 10,250) there is found the following passage: "Chief MUTO of the Military Affairs Bureau called on Chief Secretary Tomita and reportedly



requested that the Navy be asked to make a definite statement at this time. Hence, when Chief Secretary Tomita relayed this to Chief OKA of the Naval Affairs Bureau, the Bureau Chief OKA reportedly stated that the Navy, as usual, cannot say it and that she can say no more than she will comply with the decision of the Premier. etc.," About this matter, I was in possession of a precise report from that man (MUTO). Again on page 14 (page 8 of the English version) of the said Exhibit 1148, there is an item setting forth that I sent SUZUKI, President of the Planning Board, as my proxy to Premier KONOYE intimating that it was better that the decision of September 6th be tentatively reduced to a blank paper state and His Imperial Highness Prince Higashi-Kuni be requested to take the situation into his hand. That doubtlessly is a fact. I met SUZUKI on the 14th of October in the official residence of the War Minister, and requested the Director to comply with my wishes.

77. Briefly, the causes I entertained for the resignation of the Cabinet en bloc were these:

(1) Measures had not proceeded as yet to a point in the American-Japanese negotiations to enable us to ascertain whether or not there was a hope of settling the matters diplomatically.

(2) Determination of the Navy to go to war was uncertain.

In the light of these ambiguities it was obvious that the decision of the Imperial Conference



on 6 September 1941 was not a proper one. If that decision, therefore, was improper, and was incapable of being carried out, which was my own opinion at that time, the Government that formulated the policy should assume the responsibility and resign en bloc to enable the incoming Cabinet to reexamine and revise the decision of 6 September, and conduct the American-Japanese negotiations with renewed vigor and courage.

#### FORMATION OF THE TOJO CABINET

78. On October 17th, I was in my official residence making preparations for removal from those premises as my resignation had been tendered the day before. About half past three on that afternoon, I was informed by the Grand Chamberlain that I should proceed to the Imperial Palace immediately as His Majesty so wished. This Imperial call was utterly unexpected, and instantly feeling that His Majesty would be wanting my views concerning the Cabinet resignation en masse or such similar matters, I went to the Palace carrying with me these papers in preparation for the replies to be offered to the Emperor.

79. It was some time past four P. M., as I remember, when I reached the Palace, and I was at once given audience of His Majesty who gave me the Imperial mandate to form the Cabinet. The Imperial utterances are given in the entry of the KIDO Diary of 17 October 1941. (Ex. 1154 - R. 10,291) I asked His Majesty for time to consider, and withdrew.



While I was sitting in the waiting room, Minister of the Navy, OIKAWA, came to the Palace and was given audience by the Emperor, and the Minister told me afterwards in the waiting room that he had had an Imperial message "to collaborate with the Army". Pretty soon, Marquis KIDO, Lord Keeper of the Privy Seal came into the same room and acquainted OIKAWA and myself with the Imperial message. These remarks of KIDO, are in his Diary as an entry of 17 October 1941, (Ex. 1154) reading: "I imagine that you had the Imperial Message of collaboration between the Army and the Navy. In determining the fundamental policies of the state His Majesty desires that most careful considerations should be made, studying in broad and deep bases the situation at home and abroad, without being particular about the decision reached in the Imperial Conference on September 6th. I offer this statement to you by order of His Majesty." That was what was subsequently recognized as the "Back to Blank Paper (a clean slate) Message of the Emperor".

80. It was completely beyond my conjecture that the Imperial Mandate to form a new cabinet should fall upon my shoulders. The witness TANAKA, Ryukichi, testified before this Tribunal that the accused SATO visited the two senior statesmen ABE and HAYASHI, and intimated to them that "unless TOJO was made Prime Minister ..... it would be difficult to control the Army," (R. 15,873) but, as is well known, I held the opinion that no one other than Prince Higashikuni could control the situation



with success following the resignation of the KONOYE Cabinet. This opinion I had previously made clear to Premier KONOYE and also to the Lord Keeper of the Privy Seal, KIDO, and as I also felt it but proper to bring my opinion to the knowledge of the Senior Statesmen, I requested SATO, who at the time was Chief of the Military Affairs Bureau, to transmit this opinion to ABE and HAYASHI, and he did so. I was advised that SATO transmitted to these men only the message that I had entrusted to him and nothing more, and that the two senior statesmen listened to him report this message with no comment. I say here with quite some determination that the testimony of TANAKA on that point has no factual foundation whatsoever.

My reason for advocating a member of the Royal blood to head the Cabinet was this: The new Cabinet soon after its formation shall be placed in a position to revise and alter the decision of 6 September. Any Cabinet decision taken by the outgoing Cabinet may be reversed by the incoming Cabinet. But the decision of the Imperial Conference is of a different nature, i.e., it is a decision arrived at by the highest formality involving the participation of the Government as well as the High Command. It was feared that a most perplexing situation would arise in case the High Command refused to consent to the revision or alteration of the decision of 6 September. In such an eventuality a Cabinet headed by one of the Royal blood, by reason of his special position, would be able to surmount that difficulty. Under



the circumstances, I thought it improper that I, myself, should be intrusted with the Premiership to succeed Prince KONOYE, or even to be nominated or ordered to remain as War Minister, and never dreamed that such an event could occur. I felt this all the more strongly especially as I had been the one to advocate the resignation of the 3rd KONOYE Cabinet, and also because I was one of the responsible Ministers who participated in formulating the decision of 6 September. In order to change the 6 September decision the difficulties will be increased if I assume the Premiership or remain as War Minister after the downfall of the KONOYE Cabinet. These were also the thoughts of the military circles at that time. Therefore, if it had not been for the "clean slate" message from the Emperor I might indeed have declined to accept the Imperial mandate to form the new Cabinet.

As for the "clean slate" message, I felt it imperative and was firmly resolved that it must be accomplished without fail, for that was likewise the exact manner of handling the critical situation to my own way of thinking. Another thing to be considered was the need for setting up a system of internal politics that would respond both to peace or to war, there being no one who could at that time forecast which it was to be. In that connection, I concluded that the post of War Minister as well as that of Home Minister had to be assumed by myself, and, in view of the situation then prevailing, requested the Lord Keeper of the Privy Seal to



address the Throne in that respect. I envisaged a fearful trend foreboding an internal confusion which would ensue if peace were decided upon instead of War. To meet such a state of affairs I felt that I should make myself answerable for it as Home Minister. Meanwhile, for one to assume the post of War Minister necessitated that he be on the active list of the Army, as the relevant ordinance so stipulated, so, on the confidential representation to the Throne by His Highness Prince KANIN, I was placed once again on the active list and appointed a full General.

81. With regard to the formation of a new ministry, I found it pretty hard to make up my mind. Considering that there would be no way left for me but to seek the Divine Will to guide me, I hastened to pay homage to the Meiji Shrine, and, secondly, I went to bow before the TOGO Shrine, and later proceeded to the Yasukuni Shrine. While so engaged, an idea for the formation of the ministry occurred to my mind of its own accord, namely,

- (1) to complete the formation of a cabinet I must go to the last extremity, once the Imperial order to proceed was given to me.
- (2) no delay in constructing a Cabinet is permissible.
- (3) as to the selection of personnel, excepting the candidate for Navy Minister, which was to be left with the Navy,

I determined that it should be made solely on the merits of each man's personal timber, that is to say, those well versed in several administrative capacities



should be assigned suitable posts. In other words, to place persons of sound administrative experience with force of character as well in proper positions so that they might execute vigorously and fearlessly the decisions of the incoming Cabinet. As to those forces and pressures of political parties, and the Zaibatsu, no attention would be paid although all of them were not to be shunned by reason of what they stood for.

82. In the evening of the same day I received the Imperial mandate, and set to work on the formation of the ministry about half past six in the official residence of the War Minister. In choosing the personnel I relied upon my own choice. No consultation was made with anybody else, and I made the selections single handed. In the first place, the Secretary General of the Cabinet was to be chosen as my right hand man. I rang up Mr. HOSHINO at half past eight that evening, and asked him to comply with my wishes. Mr. HOSHINO, having been one of my colleagues in the second KONOYE Cabinet, I considered him the ideal man for the post both in point of previous career and personal ability. He came to see me, accepting my offer at once. In addition, the following persons gave their assent to my offer over the telephone: HASHIDA, (candidate for Education Minister) IWAMURA, (candidate for Justice Minister) INO, (candidate for Agricultural Minister) KOIZUMI, (candidate for Public Welfare Minister) SUZUKI, (candidate for Director of the Planning







October 18th fell on the annual festival of the Yasukuni Shrine and on that morning His Majesty paid his personal homage to the Shrine. I also participated in that function. At one o'clock P.M. of that day I tendered to His Majesty a list of personnel for the succeeding ministry, and the investiture of the new Ministers took place before the Throne at four o'clock P.M. Thus the TOJO Ministry came into being.

THE IMPERIAL CONFERENCE OF 5 NOVEMBER 1941

83. Upon the occasion of my receiving the Imperial Mandate to form a Cabinet, His Majesty, from His deep wishes for peace, commanded me, as previously asserted, to return to a policy of a clean slate. Accordingly, after the formation of the Cabinet, the Government, with the cooperation of the Supreme Command, immediately went into deliberations of high state policy on the basis of that injunction. From 23 October to 2 November Liaison Conference were held frequently, and foreign affairs, national strength, and military matters excepting purely strategic problems were most conscientiously studied from all angles in the light of the new situation then existing in domestic and foreign policies. As the result of these consultations, and taking into consideration the American demands of 2 October 1941, a proposal outline on the negotiations with America was decided upon. This later took the form of the decision of the Imperial



Conference of 5 November, and the contents, to the best of my recollection, are almost identical with the latter part of Exhibit No. 779.

84. Following this, deliberations were held on the manner of guiding the subsequent state policy of Japan in accordance with the outline for negotiations with America, and the following three plans were finally drawn up.

The first plan was to continue Japan-America negotiations on the basis of the outline newly adopted for negotiations with America. Furthermore, even in case the negotiations ended in a rupture the Government was to continue its policy of patience and caution.

The second plan called for the termination of negotiations at that stage and immediately decide on war.

The third plan was to continue negotiations with America based upon the outline as constituted but that a determination to go to war should be made in the event of the failure of those negotiations, and operational preparations should be commenced accordingly. A solution through diplomatic means was to be sought by the early part of December. In case the negotiations succeeded, all operational preparations were to be immediately recinded. In case the negotiations ended in failure, a decision to go to war was to be made forthwith. This decision on war was to be taken up at that time as an



independent issue.

85. Some explanatory remarks on the various concepts enumerated above are essential. With regard to the first plan, it is understandable that it was impossible to accept in toto the American proposal of 2 October. Furthermore, in the knowledge of the attitude of the American Government in the past, it was probable that there could be no solution through diplomatic negotiations even along the lines of the outline for negotiation unless there was a change of attitude on the part of America. In other words, there was no assurance that there would not be a rupture in the negotiations. However, even in the case of a rupture, the question of entering immediately into a state of war with America, Britain, and the Netherlands was one calling for more cautious reflection.

One reason for this was that our country had been engaged in the China Incident for over four years and there was yet no settlement of the problem. Judged from the standpoint of Japan's national strength and the sacrifices to be borne by her people there was dire necessity that Japan avoid war with America and Britain on top of the China Incident. It was most desirable to exert the fullest efforts of the nation towards solving the China Incident. Therefore, even in the event of a rupture in diplomatic negotiations Japan should not immediately go to war but should persevere even under extreme difficulties hoping for a recovery at



some future date.

Another reason involved the living conditions of the people as well as the maintenance of military production in view of the continuance of the China Incident. Japan was faced with a truly desperate situation. Moreover, the most important problem of all was the procurement of liquid fuel. If this fuel problem could be solved, perhaps it would be possible to tide over some of the very serious difficulties, and for this reason the problem of synthetic gasoline was undertaken with the object of producing the absolute minimum of requirements.

The view held in respect to this purpose was, that of all the materials vital to the existence of the nation the one most affected as the result of the embargo by America, Britain, and the Netherlands was liquid fuel, and should matters progress at the present rate the Navy and the Air Force would come to a standstill within two years. This was a serious contemplation from the standpoint of national defense, and moreover, the culmination of the China Incident would be frustrated. If the problem of synthetic petroleum could be solved by speedily completing installations it would be a most fortunate occurrence. Consequently, the most serious study was conducted in that direction. As a result, the conclusion was reached that setting the annual minimum requirements at four million kilotons, it



would require from four to seven years of the concentrated productive capacity of Japan for that industry alone, even by halting the major part of the military production for the Army and Navy. During this period it would be necessary to carry on by drawing on the reserve stock even though it was impractical to operate on the reserve over so long a period. Should this be done, national defense would face a serious danger at some time. Furthermore, to halt the major part of military production was something that the Army and the Navy, engaged in the China Incident, could not countenance. Therefore, to adopt a policy of patience and perseverance under such impediments was tantamount to the self-annihilation of our nation. Rather than await extinction, it were better to face death by breaking through the encircling ring and find a way for existence. To burden the people with war against America and Britain over and above the China Incident was something the Government could not easily urge, but, it was argued, in the interests of the eternal existence of our country and national honor, the people would be willing to undergo further hardships.

86. The second plan, that is to say, the plan to decide to go to war immediately was reasoned upon the basis that it was obviously impossible to accept the American proposal of 2 October, and that, furthermore, there was no hope of surmounting the crisis and normalizing the relations between the two



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countries even along the lines of the "outline for negotiations with America. To continue the negotiations" with America

would result only in playing into the hands of the American policy of procrastination, and with the passage of time the disparity of armaments between America and Japan would further increase, and the reserve stock of oil in our country be lessened day by day with no hope of replenishment. If there was to be no hope of overcoming the crisis through diplomatic means then emphasis must be placed on the success of strategic measures.

From a strategic viewpoint, November was the most suitable period from a meteorological aspect as well as for operations. However, with December, even though landing difficulties would increase it was still possible to carry out requisite operations. After that time it would be necessary to wait another whole year. In the meantime, there was the danger of an exhaustion of liquid fuel and, on the other hand, during the second half of the following year, the strength of the American Navy would be vastly augmented. This was the view of the Supreme Command.

The position opposing the proposition was that although from the military requirements it may be that the quicker the decision to go to war was made the better, yet, it was not proper to admit that there was no possibility of finding a solution through diplomatic means. As a nation it



was felt that so long as there was a slight ray of hope in the direction of diplomatic solution those measures should be resorted to up to the very limit insofar as strategic considerations permitted. It was recognized that there would be strategic handicaps but in that case preparations from strategic needs could be advanced side by side with the continuation of diplomatic negotiations. In fact, by so doing it might even contribute to obtaining some reconsiderations on the American side. Also, there would be no operational hinderance at such time as a decision to go to war might have to be made.

87. The reasons for the third plan, that of resolving to fight and to continue with operational preparations in anticipation of the failure of negotiations, on the one hand, and, on the other, to proceed with negotiations are the same as those given in opposition to the adoption of the above-mentioned first and second plans.

88. The Liaison Conference in the final analysis adopted the third plan. Until we arrived at that conclusion it was a most difficult question to determine as to which of the two plans we should proceed with the first or the third. It was decided at two A.M. on 2 November that we should adopt the third plan, but, of those members present, Foreign Minister TOGO and Finance Minister KAYA reserved their approval of the third plan until the next morning, when they communicated their consent.



89. On the basis of this third plan an outline for a future policy was formulated at the Liaison Conference which, after compliance with due formality, was proposed to and decided upon at the Imperial Conference held on 5 November 1941. I participated in it, of course, as Prime Minister as well as War Minister. This is the so-called "Essentials for Executing our National Policies of the Empire" decided on 5 November. The text is lost and cannot be presented to this Court, but, according to my memory the gist of it is as follows: (D.D. 2946)

(1) Our Empire with determination to resort to arms against the United States and Great Britain if need be in order to tide over the present crisis so as to secure her self-defense and existence will proceed to negotiate diplomatically with the United States along the lines given in the accompanying gist of plans A and B, but meanwhile will instruct our military to begin operational preparations with the date of using force as the beginning of December, in case the negotiations fail. However, the decision to open hostilities shall be made anew. In other words it does not mean that the war shall automatically commence at the beginning of December.

(2) Our Empire will try to strengthen her cooperation with Germany and Italy, and, immediately before using force, will establish close military relations with Thailand.

(3) In case the negotiation with the United States should succeed by the beginning of



December, operational preparations will be re-  
voked.

What is stated in item (1) in reference to the gist of Plans A and B is the third part of the aforesaid Exhibit 779. In short, we intended to draw up two plans, A and B, and negotiate thereunder with the United States to the extent that we should make secure our self-defence and our position as a nation. Of the two, "Plan A" was the final conciliatory plan, based upon the Japanese proposal of 25 September, and seasoned with the American desires as much as possible, comprising three points of concession as mentioned in Exhibit 2925 (Record 25,966). "Plan B" was the one whereby, in case Plan A should fail, Japan should revert to the stand that she had taken before advancing into South French Indo-China, whereupon America would revoke the freezing orders and agree to Japan's acquisition of the necessities most urgent and essential for her livelihood, apart from past circumstances, thus tiding over the imminent rupture and enabling both parties to resort to further diplomatic negotiations on a new basis. The gist and purport of this plan are shown in Exhibit 1245-H.

90. The above decision of a very serious nature was submitted to the Throne informally by me and by the Chiefs of the General Staff of both the Army and the Navy at about five o'clock in the afternoon on November 2nd 1941. While



presenting the submission I could see from the expression of His Majesty that he was suffering from a painful sense of distress arising from his peace loving faith. When His Majesty had listened to what we had to submit He was grave and thoughtful for a time and then with a serious air of concern deplored, "Is there no way left but to determine, against our wishes, to wage war against America and Britain in case our effort in America-Japan talks should fail to break the deadlock". Then he continued, "If the state of affairs is just as you have stated now there will be no alternative but to proceed in the preparations for operations, but I still do hope that you will further adopt every possible means to tide over the difficulties in the America-Japan negotiations."

I still remember quite vividly, even to-day, that we were awe-stricken by these words.

Thus, in compliance with the wish of His Majesty we decided and had the approval of His Majesty to continue further discussion of the matter on November 5th at the Imperial Conference. However, in view of the grave concern of His Majesty, I deliberated upon the subject, and with a view to leaving no stone unturned in the study of the question and by so doing to act in accordance with the anxiety of His Majesty, I determined to hold a joint conference of the Army and Navy Councillors prior to the Imperial Conference of November 5th so that further deliberations on the problem might



be made in addition to the discussions at the Liaison Conference, Cabinet Meeting and the Imperial Conference. I hastened to obtain the formal approval of His Majesty and arranged to have this conference held on November 4th. I may add that the conference of the Military Councillors was held on that occasion for the first time since the establishment of the Military Councillor system in 1903.

#### SUPREME WAR COUNCIL

91. On 4 November 1941, one day before the Imperial Conference, this meeting was held. At this Conference, His Majesty, the Emperor, was pleased to submit the question whether or not it was advisable for the Navy and Army High Command to draw up an operational plan to meet the eventualities when Japan-American negotiations could not succeed, pursuant to the agenda of the Imperial Conference to be held on 5 November.

The Conference was held before the Imperial presence. First Marshal Prince KANIN presided at the Conference, which lasted from about 2 to 4 P.M. of that day, if my memory serves me rightly. I attended the Conference as one of the Councillors in my capacity as War Minister. Although all the details of the proceedings are beyond my memory, I am able to give a summary thereof.



Chief of the Navy General Staff, Admiral NAGANO, first of all explained the position concerning Naval operations, the gist of which is as follows:

If matters continue as at present it is plain that the resiliency of our national strength will be lost, and we will be placed in the worst possible situation. We concur with the Administration in bending all our efforts to tide over this crisis by means of diplomacy, and the Government is now doing its best to attain that end. Meanwhile, however, as for us, we must take into our consideration that we might be placed in a position where we would have no alternative but to decide on the commencement of hostilities in case the above measures end fruitlessly. The High Command desires to make proper operational plans to meet such a contingency judging that in doing so it will contribute at the same time to expedite diplomatic negotiations. In case, however, the Japan-America negotiations fortunately succeed, the operational preparations will be countermanded at once. On this point agreement with the Government is already reached.

As to the prospect of hostilities with the United States, Britain and Holland as a sequence of diplomatic failure, Admiral NAGANO stated that there is a good chance for us in the initial operation and in the first meeting if the commencement of war be in early December, on the basis



of respective actual fighting strength in the Pacific. If the initial operation be properly carried out, we would be in occupation of the strategic points in the South-western Pacific and would also be placed in a position to fight a prolonged war. As there could not be formulated any definite means to induce the enemy to submission the war with the United States and Britain is destined to become a protracted one, requiring firm resolution and thorough preparedness for any eventuality. As to the forecast of the result in case the war becomes a protracted one, it was difficult to predict, because much depends upon incorporeal elements, the total potentials of respective nations and, above all, how the world situations develop, which nobody knows at present.

Such was Admiral NAGANO's explanation, according to my recollection, and no mention was made as to a Pearl Harbor attack at that time.

Next General Sugiyama, Chief of the Army General Staff, expounded on matters relating to the army command, the gist of which was as follows:

Armaments in the Southern regions are going to be strengthened day by day. Army forces there have been increased from three to eight times over the number prior to the opening of the War in Europe, aggregating more than two hundred thousand men and six hundred planes. According to developments in the situation it may progressively increase with



an added speed. In case of war between Japan and America and Britain reinforcements will be dispatched to the zone of battle by the allies from India, Australia and New Zealand, at a strength estimated at 800,000 men and 600 planes.

The basic strength of the Japanese Army is 51 divisions. We are now engaged in the China affair on the one hand, and, on the other, we have to allot a substantial part of that strength for precaution against the Soviet Union, leaving only a smaller portion to be drawn for use in a war against the United States and Britain, which, at the most, could be estimated at not more than 11 divisions. As to the time of opening hostilities no delay can be permitted considering the rapid increase of the military strength of America and Britain, and also meteorological conditions. The date desired was early December.

As the essentials of army operations consist of landing strategy, their success or failure depend much on naval operations. But the Army High Command believes in the success of operations, however tough the task may be, if only the naval plans of the campaign progress in due order.

We must expect and prepare for a protracted war, although we bend every effort to conclude the war in the shortest possible time, utilizing every opportunity in strategy and tactics to demoralize the enemy after the first stage in the southern



regions has been concluded. However, we would be able to frustrate the enemies plan, assuming an invincible position, by occupying and holding military and air bases to the last in conjunction with the maintenance of the sea transportation route.

Defensive measures against the U.S.S.R. and strategy in the China Affair shall remain as heretofore, thus safeguarding against the menace from the North, and continuing to attain the goal in China.

As to the situation in the North, arising out of the operations in the South, it has been explained that the prospect of the Soviet Union assuming an offensive attitude was slim except for some diversion movement in utilizing subversive or propangandistic activities of the communists in Manchuria and China. The moment might occur when the United States shall force the U.S.S.R. to permit the use of certain points in its territory as air or submarine bases in an offensive strategy against Japan. We should concentrate the utmost attention against the Soviet. Especially, when the hostilities in the South become protracted or in case the internal situation of the Soviets becomes convalesced there is a possibility of the Far Eastern Red Army gradually turning to the offensive. As for Japan, it is a vital necessity to put an end to the Southern hostilities as early as possible and prepare for any eventuality in the North.



After the above explanation some questions were propounded by the Councillors, to which the Chiefs of both staffs and myself gave answers. These questions were concerned mainly with topics of operations, although, just now I do not recollect them in detail. Insofar as I recollect, the answers were based on the results of the Liaison Conferences from 23 October to 2 November 1941.

At the end of the Conference a report was unanimously adopted to the effect that the Supreme War Council deem it proper and just that the Army and Navy High Command take measures in their respective jurisdictions to expedite operational preparations to meet the worst possible contingencies.

His Majesty, the Emperor, was pleased to listen to the proceedings, although uttering not a single word from the beginning to the end.

#### THE IMPERIAL CONFERENCE

5 November 1941

92. The foregoing testimony gives an account of the manner in which discussions were conducted by the Government and the High Command liaison meetings and Supreme War Council held previously to the Imperial Conference of 5 November 1941, and of the results of these discussions.

At the November 5th Imperial Conference the aforesaid program was taken up for discussion.



Here let me correct my former mistake. In my reply to a Prosecution question on 12 March 1946, (Ex. 1158) I confused this particular Imperial Conference with the one convened on 1 December. I must admit that it was an error on my part. My answers as then made, therefore, are subject to correction insofar as they conflict with the contents of my present deposition.

93. The object of holding Imperial Conferences of this kind was to ensure coordination between the Government and the High Command. Under the Japanese system, the Government and the High Command were two separate and independent entities, a circumstance which made it imperative to provide such a coordinating process as the Imperial Conference. The Imperial Conference had no permanent chairman, the Prime Minister, on each occasion, usually presiding by Imperial permission. Decisions made at the Conference, insofar as they concerned administrative affairs, were further submitted to the Cabinet meeting for final decision, while those pertaining to the Supreme Command were taken to the High Command Headquarters, where they were put through the necessary procedures. With these procedures duly taken, the Government and the High Command were to request the Emperor's sanction separately for their several proceedings. Constitutionally, therefore, the responsibility in each instance rested separately with the party concerned, the Cabinet being responsible for decisions in matters of administration, while for those relating to Supreme



Command the High Command was to hold itself responsible, each assuming the duty to execute such decisions respectively. The Directors of the Military and Naval Affairs Bureaus and the Chief Cabinet Secretary were to be present at the Conference, but they were not responsible members. The nature and characteristics of the Liaison Conference and the Imperial Conference being as described above, they were a necessary adjunct for the Government and the High Command to execute their official duties, and were by no means conferences to further the purposes of a conspiracy, as the Prosecution tries to make out.

94. At the Imperial Conference of 5 November I, with the Emperor's permission, pursuant to precedent, assumed the duty of presiding at the meeting, and undertook to explain the circumstances which necessitated the convening of that Conference. The Foreign Minister clarified the diplomatic problems centering around the Japanese-American negotiations, the Finance Minister gave an account of Japan's financial situation attendant upon the war, while the President of the Cabinet Planning Board spoke on the outlook of national resources following the outbreak of war, and the Chiefs of the Army General Staff and the Navy General Staff spoke on their respective operational plans. Then followed a series of questions and answers. President Hara of the Privy Council asked a few questions which were answered respectively by those members of the Government or the High Command directly concerned. Of the particulars



of those questions and answers, however, I have no recollection at present. In short, the third plan formulated at the previous Liaison Conference, and the foreign policy cited therein to be followed in the American negotiations, were adopted and approved.

95. Here I must speak of the circumstances at that time which caused us to conclude that it was necessary to reach decisions made in the Liaison Conferences and at the Imperial Conference. (D.D. 2923)

(1) From the reports from abroad brought to our knowledge by Imperial Headquarters, the Foreign Office, and other reliable sources, it was obvious that the military and economic pressure brought to bear by the United States, Britain, the Netherlands and China upon Japan was being intensified, and that there was a growing tendency noted among these powers to strengthen their cooperative relations. To cite a few instances, Mr. Grady, who had been sojourning in Manila since the end of August of 1941, as special East Asia economic envoy of President Roosevelt, flew to Batavia in early September to have a talk with Van Mook, the Minister of Economy of the Dutch East Indies, and then on to Calcutta via Singapore in mid-September. Early the next month he flew to Rangoon, then to Chungking, Hongkong, and back to Manila. In mid-October he returned to the United States. Apart from this, Mr. Duff-Cooper, of England, who arrived at Manila by air early September, proceeded via Batavia to



Singapore where he met British Ambassador Carr on September 21st. On September 29 when the British Far East Conference was held at Singapore, Mr. Duff-Cooper met Brook-Pophan, Layton, Crosby, Carr, and Page, /Thomas, the Governor-General of Malaya. Early October he flew from Singapore to India, stopping at Bangkok, where he had an interview with Pibul, and thence on to Rangoon and Calcutta. About the end of August 1941, President Roosevelt announced the intended dispatch to Chungking of a military mission headed by Brigadier-General Magruder. The party arrived at Manila in early October, and after having made the necessary arrangements, left for Hongkong to attend a conference there, and then proceeded to Chungking. They were reported at that time to have made the following boastful statement, "The object of our present visit to China is to help the Chungking regime to carry on the Hostilities against Japan. We intend to make a round of visits to various places in China with our Headquarters in Chungking so that we may achieve the speediest possible fulfilment of our mission. Needless to say, we will visit Rangoon where we will direct our utmost efforts to improve the transport efficiency of arms and other war supplies by the Burma Road."

In early October 1941, the American and British military heads met at Manila. According to reports to us at that time, technical views were exchanged at the meeting regarding various Pacific problems in



all their international ramifications, followed by a series of discussions on the necessary strategical policies to be adopted in that connection. The conferees were General Pophan, the Commander of the British East Asia Army, Brigadier-General Magruder, the Representative of the U.S. Chiang Aid Military Mission, General McArthur, the Commander-in-Chief of the U.S. East Asia Army, and others. The issues taken up for discussion on this occasion were said to be (1) British-American joint aid to Chiang Kai-shek via the Burma Road, (2) a plan for joint operations of the Chungking's Southwest China Army and the British reenforcements in Burma, and (3) a consolidation of American-British joint operations in the Pacific, especially of their joint Air Force operations.

At the end of September we were informed of the announcement made by British East Asia Fleet Commander Layton to the effect that the Singapore Naval base would be offered to the U.S. Navy for use anytime at the latter's request. In October Niemeyer arrived in Manila by air from Singapore, while in the same month the Commander of the British Far Eastern Forces, Sir Brooks-Pophan, left Singapore for Australia. Around the end of October the Australian Premier, Curtin, announced the successful completion of negotiations between the United States, Britain, the Dutch East Indies, New Zealand and Australia with regard to a joint Pacific front. From all these reports, it was patent that the military and economic links connecting the United States,



Britain, the Netherlands and China against Japan were growing increasingly closer and tighter, and that things had at last come to such a pass that only a tiny spark was wanted to set off a giant conflagration.

(2) Furthermore, news continued to reach us that the United States, Britain and Australia were steadily and vigorously pushing forward with the enlargement of their land, sea and air forces. The U.S. Navy Department published the statement that it had since January 1940 drawn contracts to build 2,831 ships at a total sum of \$7,234,000,000, and that 968 of them were already under actual construction. Late in October 1941, the Secretary of the Navy, Knox, reported on the progress of the Navy's construction program, saying that (a) 346 fighting ships were in commission, (b) 345 fighting ships were under construction or under contract for construction, (c) 323 auxiliary ships were in commission (d) 209 auxiliary ships were under construction or under contract for construction, (e) navy planes on hand on 1 October were 4,535, and (f) 5,535 planes were under construction. It was reported that early in November President Roosevelt requested an appropriation of \$449,720,000 for the building of new planes. Late in October, the Secretary of War, Stimson, announced that preparations were being made to increase the number of Air Academy cadets and conscripts to 400,000, which was about



three times its present size. On the other hand the Australian Prime Minister, Curtin, announced that 450,000 men had been enlisted since the beginning of the European War. In the Philippines, the Chief of the General Staff of the Philippine Army announced that the discharge of active service men had been suspended. It was reported also toward the end of October that Major General Brien, new commander of the Philippine Air Force, had left Washington for Manila. In the middle of September 1941, President Roosevelt sent a Message to the Congress requesting its consideration of a supplementary budget of \$5,985,000,000 in accordance with the National Defence Promotion Law, and closely following that, he presented a supplementary budget bill requiring \$150,198,000 for national defence purposes. From all this, much of it affecting us directly, it was apparent the U.S. was planning an enormous armament program for her Army, Navy and Air Forces.

(3) Prior to these Liaison Conferences and Councils and the Imperial Conferences, the speeches and actions of the leading men of America had become more and more provoking. Toward the end of September 1941 it was reported that Secretary of State Hull had said that the Government was thinking of revising or abolishing the Neutrality Act, and that Secretary of the Navy Knox, on the occasion of the launching of the battleship Massachusetts, referred to the Neutrality Law as "out of date." It was also reported to us that the same Secretary of the Navy stated in late October that a clash with Japan was unavoidable so long as Japan held to her present policy.



(4) Additionally, the following steps were taken against us: (a) The Indian Government repealed the rights for the importation of the cotton and rayon textiles that had been contracted to be shipped from Japan after September 12th of that year. (b) On 29 October 1941 the Indian Government announced the prohibition of all imports from Japan and Manchuria

Thus the pressure of the Allied Powers economically and militarily against Japan became more and more flagrant as time went on. It was under such circumstances as these that the Liaison Conferences in the latter part of October, and the Imperial Conference of 5 November were constrained to make the decisions referred to heretofore.

96. According to the decision of the above mentioned Imperial Conference, the Liaison Conference of 12 November decided on its foreign policy, the details of which are correctly reported in Exhibit No. 1169 (Starting on Page 10,333 of the Record except for that part from the 14th line of page 10,338 to the last line of Page 10,340, which does not constitute the integral part of the decision of that Conference.) Meanwhile, the Supreme Army Command appointed General Terauchi on 6 November to the post of Supreme Commander of the Southern Army, and decided the organization in the southern area. On the same day it also issued orders to prepare for the attack on the key points in the same area, and on the 15th of the same month, it decided



on the general strategic outline against the United States and Great Britain. Of course, it was only a preparatory action based on an assumption. As War Minister, I knew of this procedure, but the other members of the Cabinet were entirely ignorant of this action by the Supreme Army Command. I do not know what the Supreme Navy Command did during this period. (Def. Doc. 2726)

NEGOTIATIONS WITH THE UNITED STATES UNDER THE TOJO  
CABINET

97. In the TOJO Cabinet, the Foreign Ministry took charge of the negotiations with the United States, so my personal knowledge is confined to the general outlines.

As I explained previously here, the Third KONOYE Cabinet fell in connection with the Japan-US negotiations relative to the Hull note of 2 October 1941. As soon as the TOJO Cabinet was formed, the Government, with the concurrence of the Supreme Command, informed Ambassador Nomura, through its Foreign Minister on 21 October (Ex. 2917, R. 25,920) of its intention to continue negotiations on the condition<sup>that</sup> the negotiations should be started afresh. The gist of the telegram was conveyed to Under-Secretary of State Welles by Minister Wakasugi on the 24th of the same month (Ex. 2959, R. 26,109)



The Japanese Government had prepared the two plans, A and B, for its negotiations with the United States, which were to be conducted under the direction of the Foreign Ministry and according to the general outline decided upon in the Imperial Conference of 5 November 1941.

98. As the Government foresaw increasing difficulties and as the situation required a prompt solution, it was decided to send Ambassador Kurusu to assist Ambassador Nomura in the negotiations, which had, since August, been the wishes of Mr. Nomura. Kurusu left Tokyo on the 5th of November and arrived at Washington on the 15th of the same month. In this procedure there was no design whatsoever to camouflage Japan's intention, if any, to start war. It came purely from the wish to bring the negotiations to a successful conclusion, as was testified to by the witness Yamamoto (R. 25,957-25,958). I was informed by the Foreign Minister that before Kurusu left for the United States he had explained to Kurusu in detail on the 3rd and 4th of November the contents of the definite plan which the Liaison Conference had prepared and intended to present for discussion at the coming Imperial Conference.

99. The Foreign Minister advised Ambassador Nomura that the situation required a rapid solution of the questions involved, and the Japanese wish to that same effect was fully conveyed to the American Government. This is supported by the documents produced during the testimony of the witness Yamamoto.



(Ex. 2928, 2957, and Record Pages 15,986 and 26,100)

100. The negotiations with the United States were commenced with the A Plan, but the B plan was simultaneously sent to the Ambassador. The process was not a smooth one, the points at issue still being the questions of the Tripartite Alliance, indiscriminate international trade, and the stationing of troops in China. The Japanese Government, in its earnest efforts to avoid a rupture, presented the B Plan<sup>which had been sent beforehand</sup> in order to lay aside temporarily the above pending points at issue, and expedite the negotiations within the limits of the most urgent and immediate terms. This is also shown in Yamamoto's testimony (Record 26,028)

101. On 17 November 1941, as the Premier, I delivered a speech at the 77th Diet, then in session, explaining the administrative policies of the Government. (Def. Doc. 226) This manifested the attitude of the Japanese Government toward the negotiations between Japan and America. It may be said that the representations of both parties' had become clear by that time, after six months of negotiations, and that the sole remaining question was whether or not any effort should be made to maintain peace in the Pacific by means of reciprocal concessions by both parties. For this purpose, Japan realized, on her part, the necessity of explaining to the world the limit of the terms that could be borne by her at that time. For the purposes



of safeguarding her independence and sovereignty, the Japanese Government expected:

- (1) That third powers would not disturb Japan in her disposition of the China Incident;
- (2) The elimination of military and economic interference with Japan by foreign powers, and the return to customary foreign relations;
- (3) The prevention of the European War spreading to East Asia.

My speech was followed by that of Foreign Minister TOGO, who elucidated two points in our attitude towards the above negotiations. (Ex. 2743)

The first point was that there should be no necessity of prolonging the time in negotiating with the United States of America. The second point was that we, though fully desirous of concluding the negotiations, should reject any matter injurious to the authority of Japan as a major power. The speeches made by the Premier and the Foreign Minister were broadcast and were announced to the world on the same day. I was advised that the full text of these two speeches appeared in the United States' press. Therefore, it was assumed that the authorities of the United States Government were well acquainted with them. Regarding the above attitude of the Government, both Houses respectively offered and passed unanimously on November 18th resolutions for assisting and encouraging the Government. Especially, in the House of Representatives, Mr. SHIMADA, a member of the Diet, made a speech explaining the resolution, which was considered



to be a reflection of public opinion at that time.  
(D.D. 209, 2712)

102. In negotiating on Plan B, our final proposal as mentioned above, the U.S. Government continued its policy of negotiation, and despite all the efforts of both Ambassadors Nomura and Kurusu, the U.S. Government adamantly adhered to its plan of June 21st. The information came to me at that time that; moreover, the United States had communicated with the representatives of England, Holland and China, thus establishing a closer contact with these Governments, which move did not afford me much optimism for the future course of events.

103. Prior to this, in America, England, Australia and Holland, the political situation had become more tense, armaments had been expanded, and the leaders in those countries had been markedly provocative in their attitude towards us. (D.D. 2923) These facts were calculated to have excited the people of our country as well as the Government, and affected the aforementioned resolutions in both Houses. For instance, Premier Churchill of England declared at a luncheon during the inauguration of the Lord Mayor of London, on 10 November 1941, "that should the United States become involved in war with Japan the British declaration will follow within the hour" (Ex. 2956, R. 26,105 - also Ex. 1173, R. 10,352). Two days later, King George proclaimed in His Royal message at the opening ceremony of the Parliament that the British Government had deep



concern in the situation in East Asia. President Roosevelt stated on Armistice Day, just a day previous, in line with those utterances that the United States would fight permanently for the sake of preserving liberty throughout the world. Secretary of Navy Knox went so far as to make a speech on the same day that the time had come to become resolute against Japan. Thus these leaders of America and England had taken an extremely offensive and provocative trend prior to the 77th Session of the Diet. President Roosevelt declared on November 7th that the withdrawal of Marines stationed in China was under consideration, and announced on the 14th of the same month that the withdrawal had been decided upon. Iraq, then under British influence, severed her diplomatic relations with Japan on November 16. On the other hand, it was reported, about the middle of November, that the Canadian Army for the defense of Hongkong, under the command of Brigadier General J. Lawson, had arrived at Hongkong. Further, the U.S. Government announced, on November 24, its decision of dispatching army forces to Netherlands Guinea. This dispatch of U.S. forces to Holland territory did not leave Japan without concern. On November 21st, reinforcements to the British Far Eastern Army was announced by Navy Minister Alexander of England. Before this, early in November, the U.S. Navy made it public that the progress of naval construction for the two ocean fleets carried out between January and October of that year was as follows: Capital ships, 2 commissioned, 2 launched; Aircraft



carriers, 1 commissioned; Cruisers, 5 launched; Destroyers, 13 commissioned, 15 launched; Submarines, 9 commissioned, 12 launched. On 25 November it was announced by the U.S. Army authorities in the Philippines that by the end of December mines would be laid in the vicinity of the fortress at the entrance of the Bay of Manila. In response to this, the British authorities at the Straits Settlements declared that mines would be laid at the eastern entrance of Singapore Harbor. Toward the end of November, Secretary of Navy Knox proclaimed that the naval recruiting was at the rate of 11,000 a month. One hundred U.S. residents in Tientsin were evacuated about the end of November. As could only be expected, these joint undertakings by American and Great Britain impressed Japan with the close imminence of a war.

104'. Under such tense circumstances, on November 26th, 1941, the U.S. Government, to both Ambassadors Nomura and Kurusu, made a reply to the effect that it, after carefully studying and consulting with the states concerned with Japan's proposal of November 20th, dissented from the proposal, and submitted a note as a basis for further negotiations. This was what has been termed the "Hull Note" of 26 November. Its contents were as set forth in Exhibit 1245-I (Record 10,815). The said "Note" contained not only further adherence to the former assertions on the part of America, but also the following unreasonable demands, which proved to



be absolutely unacceptable to Japan at that time, namely:

- a. The unconditional withdrawal of the Japanese Army and Navy, including Police force, from French Indo-China as well as from all parts of China (including Manchuria).
- b. Denial of the Manchoukuo Government.
- c. Denial of the Nationalist Government at Nanking.
- d. Making the Tri-Partite Alliance a dead letter.

105. Prior to the receipt of that "Note", on the part of Japan, a Liaison Conference was held on 22 November 1941 for a discussion of American-Japanese negotiations. Viewed from the standpoint of the then existing situation, the members of the Conference were not too sanguine of success, yet the Government did not abandon hope, but was making an exploratory study with two eventualities in view, one was our attitude in case America should reject our proposals in toto; the other was with regard to what our next step should be when the United States made some concession to our request concerning especially the requisition of oil.

In the first event there should be no alternative but to act in accordance with the decision made at the consultation in the Imperial Conference on 5 November. In the second eventuality Japan should propose some concrete demands to meet the current situation. It was decided, I remember, to request a



total amount of six million tons of oil from the United States and the Netherlands. (Def. Doc. 2903)

106. From 10 A.M. on 27 November the Government and the Supreme Command held a Liaison Conference at the Imperial Palace. (The 26th United States proposal had not yet arrived at the time of the opening of the Conference). The Foreign Minister informed us of the circumstance and the difficulties of the American-Japanese negotiations. In the meantime, the gist of the U.S. proposition was reported by our Military Attache' in Washington. It consisted of the harsh demands heretofore outlined. A message of similar import was also sent by our Naval Attache'.

107. At 2 o'clock in the afternoon of the same day, 27 November, a Liaison Conference was again held where we carefully discussed the items in the information so received. We were all dumbfounded at the severity of the U.S. proposition. The main points of the conclusion reached after our deliberations were, as I recall, the following:

(1) The U.S. memorandum of 26 November amounts to an ultimatum against Japan.

(2) Japan cannot accept this memorandum. The United States seems to have proposed these conditions knowing full well that they were unacceptable to Japan. Moreover, the memorandum was made with the joint understanding of the other countries concerned.



(3) Taking notice of the recent situation, especially the measures taken by the U.S. towards Japan, and its attitude, together with our natural conclusions from these facts, the United States seemed to have already decided upon war against Japan. Putting it bluntly, Japan might be attacked by the United States at any moment, and she should guard fully against it.

It was decided at this Liaison Conference that since there was no hope, further, in the American-Japanese negotiations, we had better act in accordance with the decisions made at the Imperial Conference on 5 November. But the final decision was to be made not at the Liaison Conference but at the Imperial Conference, and the next Imperial Conference was scheduled to be held on 1 December to which all members of the Cabinet were to be present representing the Government. We set a substantial period between the Liaison Conference and the subsequent Imperial Conference because we knew that His Majesty the Emperor had deep concern over the situation, and wanted to hear the senior statesmen's opinions on this matter. That was why we did not convene an Imperial Conference immediately.

108. A Cabinet meeting was held on 28 November at 10 o'clock in the morning. As I recall, at this meeting Foreign Minister TOGO made a detailed report concerning the American-Japanese negotiations. The decision made at the preceding Liaison Conference was under discussion, to which all the Cabinet



members expressed their agreement. However, we did not decide on war. This was deferred until after the coming Imperial Conference to be held on December 1st.

Just prior to the opening of the Cabinet meeting on this day Foreign Minister TOGO saw me and reported on the telegram of 26 November from NOMURA and KURUSU concerning their suggestions on the Imperial message, (Ex. 2249) and he also told me that he had already communicated this matter to Navy Minister SHIMADA. After a careful study of the matter, we reached the conclusion that the measure suggested would not serve to solve the current impasse, and, moreover, now that the note of Secretary Hull had already been handed to us, the method envisaged in the telegram was out of the question. (Apparently the telegram of our Ambassador had been dispatched before they had received Hull's note) In accord with the above decision instructions were forwarded to the Japanese Ambassador in Washington.

109. Following are some facts coming to my knowledge after the war's termination, which I did not know at the time:

(a) That the American authorities had succeeded in deciphering our secret code and knew our decision before it had been presented to them.

(b) That the U.S. State Department had knowledge that Japan's proposition of 20 November 1941 would be the final one from Japan to the U.S.



(c) That prior to Hull's note of 26 November the U.S. had formulated the draft of a Modus Vivendi based on President Roosevelt's idea, which still left room for negotiations and on the basis of which the United States had intended to carry out her diplomacy towards Japan; that the draft was intended to gain time for the U.S. Navy's replenishment of armaments; that even this temporary agreement was abandoned owing to the strong opposition of the British and the Chungking Governments, and consequently the note as shown in Exhibit 1245-I was adopted, and, finally, that the United States was aware that this note would never be accepted by Japan.

(d) That the U.S. Government also knew that Japan was regarding Hull's note of 26 November as an ultimatum.

(e) That by the end of November 1941, the U.S., together with Great Britain had decided to enter war with Japan and that, moreover, the U.S. was intent on having Japan commit the first overt act. During our many anxious hours in the latter part of that November we never dreamed that those happenings had taken place.

#### SENIOR ST TESMEN'S MEETING

110. On 29 November 1941, two days before the Imperial Conference, the Government invited the Senior St Tesmen to convene at the Imperial Palace, according to the gracious wish of the



Emperor, to convey to them the Government's intention relative to opening hostilities against U.S.A., Britain and the Netherlands, and at the same time report to the Throne their opinions in that regard. This procedure was taken because of His Majesty's peace loving spirit, which yearned to assume a most discreet attitude towards such a decision. Those who were called were ex-premiers such as Prince KONOYE, Baron HIRANUMA, General HAYASHI, Mr. HIROTA, General ABE, Admiral YONAI, Mr. WAKATSUKI, Admiral OKADA, and Mr. HARA, the President of the Privy Council. This type of meeting was usually designated as a "Senior Statesmen's Conference" but in substance it was not a conference at all but was no more than a confabulation of the above named senior statesmen. There was no President presiding at the meeting, nor did those in attendance pass any decision. To make it clear, I should like to add that even though those men were called "senior statesmen" they substantially differed from those elder statesmen, or "Genro", at the period of the Russo-Japanese War. Elder statesmen, or "Genros", in those days were those who were specifically named as veteran statesmen of the nation by Imperial rescript and who shouldered responsibilities in participation in the gravest national problems. But senior statesmen at the time of this meeting were not those who were officially nominated as such. They were summoned only because they had occupied the post of premiership in the past. There was no significant difference otherwise between them and ordinary people in general.



111. On the morning a discussion took place between the Government side and the Senior Statesmen. Representing the Government there were present myself as the Premier and War Minister, Navy Minister SHIMADA, Foreign Minister TOGO, Finance Minister KAYA, and the President of the Planning Board, SUZUKI. No one attended from the Supreme Command. The meeting lasted from nine-thirty in the morning until around one in the afternoon. I explained the reasons why we were placed in a position where resort to arms against the United States and Great Britain could not be avoided. Foreign Minister TOGO expounded on the situation of the American-Japanese negotiations. Some questions were asked from the Senior Statesmen's side concerning American-Japanese negotiations and Japan's war potentials etc., which the Government side answered and explained one by one, the details of which I do not recollect at present. The testimony of OKADA, before this TRIBUNAL on 26 September 1947, that I refused to explain on the grounds of a "STATE SECRET" is definitely not founded on fact. The only matters that were not exposed concerned alone those pertaining to pure strategy.

112. After the luncheon the Emperor summoned the Senior Statesmen to his presence and asked their opinions concerning a possible war against the U.S.A. and Great Britain. In addition to the Senior Statesmen, the Ministers of the Cabinet who had been present in the morning and the Lord Keeper of



the Privy Seal, KIDO, also attended. The substance of the opinions of the attendants are, I think, plainly recorded in Marquis KIDO's diary, (Ex. 1196, R. 10,452) Placing together the opinions which were expressed then, they consist of the following four points:

(1) Even if the negotiations were broken off, we should refrain from war and make plans for the next move in the future.

(2) There is no alternative left to us but to rely on the Government, since it has finally decided to resort to war after deliberate investigations.

(3) If the war were to become protracted there would be much anxiety as to Japan's capacity to maintain the supply of materials and the trend of public opinion as well. (But no one gave his definite opinion as to the measures Japan should take on this point.)

(4) If this war is for self-existence, we are compelled to wage war even if we foresee eventual defeat. But if it means that we resort to war for a so-called East Asiatic policy, it is highly dangerous.

I explained the Government's intentions on each such point. As to the first, I stated that the Government had racked its brains on it, but after taking into consideration every possible event, the Government had arrived at the conclusion that if we adopt that course notwithstanding the failure of the negotiations Japan's national defense would be jeopardized and her existence as a nation would be



threatened. I explained the reason why the Government had not adopted the first plan of the Liaison Conferences which, as mentioned before, had been held from 23 October to 2 November. There is no need of an explanation about the second point.

With regard to the third, I explained as follows: Japan desires an early decisive battle, but in warfare as there is always an opposing enemy on the other side, there will be times when the war situation will not develop as we expected and desired, so we must also be prepared for a prolonged war. We made numerous inquiries anent a prolonged war in the Liaison Conferences, and, in general, the following two constituted the main elements of that problem:

(a) Can Japan's supply capacity hold out in a protracted war, or will there not be any rupture in the fighting morale of the Japanese people?

(b) At what time and in what way can the war be terminated?

With regard to (a) it all depends upon the effects of the initial stage of the fighting. Though we can not of course say definitely about the war, the High Command seems to be considerably confident of success at the outset of the hostilities. (We did not mention the matters concerning pure strategy including a projected attack on Hawaii) If we can attain the anticipated success of which the High Command is so confident, we should be able to mitigate our dire need of supply to some extent by



securing the strategic points and acquiring important war materials, especially oil, and for this purpose both the Army and the Government will exert their utmost efforts. Next is the question of sustaining transportation concerning which we must rely chiefly on the activities of the Navy. With regard to the unrest of the people at large, the Government will take every possible precaution on that feature especially in view of four years of warfare against China and the trend of increasing propaganda and strategy on the part of our enemies, but after all we depend on the loyalty of the people who have never yet failed their country in a moment of crisis.

With regard to (b) many anxieties were expressed in the Liaison Conferences and we investigated a plan to negotiate peace at a proper time through the mediation of the Soviet Union or the Vatican. But we have not yet secured a definite plan with which we are confident, so will any member kindly suggest a successful plan, if there be one. If we succeed in the initial engagement we would secure the strategic points as rapidly as possible so that a plan could be established to hold out in a prolonged war. Thereafter, at first, we will execute an active operation, on the one hand, and on the other cultivate and develop every national potential. Secondly, we will attempt every possible measure both politically and strategically to compel Chungking and Britain to fall out of line and thus induce the United States to falter in her will to



fight. I explained that we would proceed on the basis of this policy, adding that there were no means in view at present to bring the war to an end; that must and should be decided later according to the then existing circumstances. After a resumption of general discourse the meeting was concluded at four in the afternoon.

113. After the above meeting adjourned a Liaison Conference was held in the Palace, where the subject for discussion to be held on 1 December ("opening of hostilities against the United States, Great Britain and the Netherlands") was taken up and adopted.

114. Suddenly, a little past 3 P.M. on 30 November, I was summoned by the Emperor. I immediately proceeded to the Palace and was granted an audience accordingly. What the Emperor was pleased to say to me was that Prince TAKAMATSU, the Imperial brother, told him that as our Navy's hands are full it desires to avoid war. And the Emperor asked for my comment on this point, whereupon I answered as follows: "It is the common desire of your Government and the High Command to avoid this war. Now that the Liaison Conference, after prudent and scrupulous deliberation, has arrived at a decision, as has already informally been reported to the Throne, there is no remaining alternative but to resort to a war of self-defense. The High Command is fully convinced of victory. If, however, Your Majesty should entertain any shade of doubt on this point you had better summon the Chief of the Navy General Staff and the Navy Minister, and let them explain to your hearts' content".



After 7 o'clock that evening, Marquis KIDO, Lord Keeper of the Privy Seal, notified me by telephone that the Emperor allowed the Imperial Conference to be held on 1 December as slated. (Ex. 1198, R. 10,468)

THE IMPERIAL CONFERENCE OF 1 DECEMBER 1941

115. As is well known now, it was decided in the Imperial Conference on 5 November 1941 that the negotiations with America should be continued with sincerity on the one hand, but, on the other, the Imperial Headquarters should be prepared for operations. Thus we sought for reconsideration on the part of the United States, and tried to achieve a diplomatic solution. On 26 November, however, when we received the ultimatum from the United States, we believed there was no way remaining to improve the Japanese-American relations by means of diplomatic negotiations, as I previously stated. This deadlock in the negotiations compelled us to a determination to resort to war. The Imperial Conference on 1 December was convoked for that purpose. This Conference was attended not only by the ones who had been present at the Liaison Conference but by all Cabinet Ministers as well. As was usual, I was permitted by His Majesty to preside over the proceedings, which was the usual procedure. That day's agenda was, "Whereas the negotiations with the U.S.A. based on the outline of Japan's national policy, decided on 5 November, having ended in failure, Japan opens war against the U.S.A. Britain and the Netherlands." (Latter portion of Exh. 588) At the outset I, acting in the capacity



of Prime Minister, made the statements as shown in Exhibit 2954 (Record Page 26,702) and then we entered into the discussion.

Foreign Minister TOGO reported on the results of the Japan-U.S. negotiations as given in Exhibit 2955 (Record Page 26,074).

Admiral NAGANO, Chief of the Naval General Staff, representing the Chiefs of both Staffs of Imperial Headquarters, explained the situation from the military point of view. The main points were the following, as far as I am able to remember:

(1) The U.S., Britain and Holland were further increasing their armed strength. The Chungking forces were redoubling their fighting power with the aid of U.S. and Britain. We could see, from the actions of their leaders, that the U.S. and Britain had already decided to fight.

(2) Our Army and Navy had been preparing for war pursuant to the decision of the preceding Imperial Conference (November 5) and were quite ready to go into operational action as soon as the Imperial command be issued.

(3) As for the Soviet Union, we are on the strictest guard against aggression, but through the aid of diplomacy we do not anticipate any danger at present.

(4) The entire Army and Navy were in high spirits, burning with the desire to serve the nation and the Emperor, and even willing to give their lives if necessary. They were ready to assume their duties with all speed the moment the Imperial



Order was issued.

In the capacity of Home Minister, I then added an explanation about the current public sentiment, the supervision of interior affairs, the protective means adopted for the protection of aliens and diplomatic officials, and something on emergency precautions.

The Minister of Finance spoke on our economic and financial strength, and the Minister of Agriculture and Forestry on the question of food supplies in case of prolonged warfare. Mr. Hara, the President of the Privy Council, made queries on the following points, and the Government and the High Command answered them in the order of their respective competence, the main points being summarized as follows:

(1) The prospect of a naval victory in the face of a progressive increase and reinforcement in U.S. armament. To this question the Chief of the Naval General Staff answered. It was true that the U.S. was pursuing a big armament plan. But 40% of its Naval strength lay in the Atlantic, which could not speedily be transferred to Pacific waters. An increase in the British fleet in the Far East was to be expected to a certain extent and it was already actually taking place. But judging from the European war situation it was apparent that they could not move any major portion of it to the Far East. The power of the U.S. and Britain had the defect of being an allied and a combined force. So if they challenged us in a combat we were ready to meet them with a hopeful prospect of success. The important question was, how



would we manage if the war became protracted. The answer was in effect that it was quite impossible to make any positive calculation on the outcome of the war if protracted, as much depends on varied factors, both actual and implied, the total potentials of the belligerents, and, above all, on the fluctuating world situations of the future. (Even then he did not betray a word on the operational plan including an attack on Hawaii.)

(2) Movement of Siam and our Attitude Toward Her. To this question, I in the main made answer, and my answer was this: With the progress of our strategic operations Siam was moving in a very delicate manner strategically as well as diplomatically, especially as the British Government had a latent influence upon her. It was, therefore, desirable that both the Government and the High Command take special precaution and adopt proper measures toward Siam in our pursuit of strategic operations against the U.S. and Britain. In view of the increased intimate relations between that country and Japan of late we had a confidence that we could pass through its territories in friendly fashion in the event of action against the U.S. and Britain.

(3) Possible Air Attacks by the Enemy on the Homeland of Japan and our Plans against It. To this the Chief of the Army General Staff answered as follows: The initial success or failure had much to do in deciding the issue not only at the beginning of war but also in its later course. So if we win



the initial battles there will be comparatively little possibility of our homeland being mass-raided. But depending upon the length of the war, we could not say there was no fear of it at all. In some circumstances the U.S. might make a confidential request to the U.S.S.R. for the use of bases, against which move, however, we had to be very cautious. In such a case, the homeland would require infinitely better protection. In case of the outbreak of war, the military authorities were prepared at once to take some emergency measures for air defense. But at first they would be unable to spare an adequate defense power for the homeland because the fighting forces at the front would require increased anti-air-raid equipment. This, however, would be improved in the course of the continuation of war.

Finally, Hara, the President of the Privy Council, summarized his opinion as follows:

(1) The attitude of the U.S. was unbearably hard on Japan. It would be futile to try further means. War, consequently, would be unavoidable.

(2) There was no doubt about our initial success. But in case the war becomes prolonged, the people had to be guarded against restlessness. Even though protracted warfare seemed to be unavoidable, it was more desirable to conquer such factors and come to an early conclusion. The Government was therefore requested to do its best toward that end.

(3) There might be a danger of an inner collapse of the nation if the war be drawn out.



The Government should be very careful on this point.

I answered concerning the above points as follows:  
We would be very careful regarding what he said pertaining to general/<sup>war</sup>measures. We would also try our best to bring the war to the earliest possible conclusion. The Government and the High Command are proceeding with their war plans under a mutual understanding that even after our decision to fight, we will relinquish our war plans at any time provided the U.S. acceds to our representations before the blow is struck, and grant us an opportunity to find a solution to a peaceful settlement. In the case of a prolonged warfare we would be very careful to guard the people against restlessness and maintain law and order internally by preventing disquieting influences to arise from within, and disturbing artifices to be injected from without. We realized that our responsibility for our country was great at this critical moment. In other words, we were prepared. If His Majesty decided on war we would further strengthen our resolution to serve His Majesty's cause and ease his August mind by cementing the cooperation between the Government and the High Command in carrying out, with careful thought and foresight, our plans and measures, thus maintaining a national unity of purpose towards a firm confidence in ultimate victory for the accomplishment of the final purposes of war. Therefore the proposal was adopted. His Majesty, the Emperor, uttered not a single word during this Conference.



116. The Cabinet, prior to the Conference, held a special meeting at 9:00 A.M. on the same day and decided that the Government practically had no objection to the proposal to be submitted to the Imperial Conference on that day. All the Cabinet Ministers attended this Imperial Conference, and we regarded the decision of the Conference to be taken as the decision of the Cabinet. On the part of the High Command, it also took the necessary course of action under its respective competence and responsibility.

117. As to affairs of state consummated through the above described procedure, the entire responsibility rests, in effect, upon the responsible persons in the Cabinet and in the Supreme Command, and not with the Emperor. Even though some explanation on this point has hitherto been given by me, further exposition should be made so that with regard to the true position of the Emperor there shall be no possibility of a misconception. That, to me, is quite important.

(1) In issuing a mandate for the formation of a new Cabinet the Emperor acted invariably in former days upon the recommendation of the "Genros". In later years, such as the period contemplated here, the Emperor acted upon the recommendation of the "Elder Statesmen", and upon the advice of the Lord Keeper of the Privy Seal, who was responsible for constant assistance and advice to the Throne. The Emperor accepted these recommendations and this



advice, and there was no precedent in our history where an Emperor, disregarding those recommendations and that advice, issued a mandate according to his own opinions to any person to formulate a new Cabinet. As for the appointment of the Chiefs of Staff of the Supreme Command, the custom followed was that recommendations were always made through a long established process. In the Army, for example, the three Chiefs (War Minister, Chief of the General Staff and Inspector General of Military Education) would have a joint consultation, after which the nominee would be by mutual agreement submitted for Imperial sanction by the War Minister, who has the responsibility for assisting the Emperor in that respect. This same procedure was employed in the selection of the Chiefs of Staff of the Navy Supreme Command by the appropriate officials of that service. And in these cases, too, I do not recall any instance where the Emperor, of his own will, made an appointment at variance with the recommendations and the advice of those responsible for the choice as prescribed by long established official procedure, and in usage during the MEIJI, TAISHO and SHOWA eras.

(2) All affairs of state are conducted on the advice offered by the Cabinet and the Supreme Command as outlined, the Emperor never taking personal action on administration or High Command without such advice. This system was provided by the former Constitution of Japan, and by an adherence to its



specifications and following the custom established by His predecessors, the Emperor studiously refrained from placing a veto upon any final decision made by the Cabinet and the Supreme Command on their responsibility.

(3) Occasionally the Emperor expressed his own wishes and at times gave suggestions, but even these were issued on the recommendation of the Lord Keeper of the Privy Seal, who assumed the responsibility for constant assistance and advice to His Majesty. This was already testified to by a certain defendant during the course of this trial. Even as concerns these wishes and suggestions of the Emperor, the political counsellors of the Cabinet or the military advisors of the Supreme Command in charge offered the Emperor their advices determining the Emperor's desires after a careful study of them on their own responsibility. By immemorial usage, as explained heretofore, all their conclusive recommendations and suggestions were sanctioned without fail by His Majesty. I recall no instance where the Emperor refused to accept the persuasion of these political counsellors and military advisors.

Summing it up, the Emperor had no free choice from the governmental structure setting up the Cabinet and the Supreme Command. He was not in a position to reject the recommendations and advice of the Cabinet and High Command. His wishes or hopes were necessarily assisted by the Lord Keeper, and even these hopes when expressed finally were to be scrutinized by



the Cabinet or the Supreme Command. Recommendations and suggestions after this careful examination had to be approved by the Emperor and never to be rejected. That, then, was the position of the Emperor before and during the most perplexing period in the history of the Japanese Empire.

These facts being what they are, it was solely upon the Cabinet and the Supreme Command that the responsibility lay for the political, diplomatic and military affairs of the nation. Accordingly, the full responsibility for the decision of 1 December 1941 for war is that of the Cabinet Ministers and members of the High Command, and absolutely not the responsibility of the Emperor.

IMPORTANT MATTERS DURING THE PERIOD FROM THE END OF  
THE IMPERIAL CONFERENCE OF 1 DECEMBER TO THE OUT-  
BREAK OF THE WAR

118. Since the decision to commence hostilities was reached in the Imperial Conference of 1 December 1941 up to the actual outbreak of war two items of importance were studied, (1) the preparations for carrying out the commencement of hostilities and (2) the execution of State Affairs connected with these preparations. The Staff Officers of both the Army and the Navy of Imperial General Headquarters were responsible for the execution of the former, as the Government did not have any responsibility in such matters as concerned the Supreme Command.



However, there were some matters which, in view of the exertions of the Supreme Command, had to be dealt with within the field of military administration. With regard to these I assume the administrative responsibility as War Minister for such as fell within my official sphere although, needless to say, as for matters concerning naval administration I was not in a position to participate either as War Minister or even as Premier. In this connection, I wish to call the attention of the TRIBUNAL again to Regulations of the Army General Staff (Ex. 78) and Regulations of the Naval General Staff (Ex. 79) in which it is clearly indicated that both the General Staffs are responsible for assisting the Emperor in matters concerning the Supreme Command of the Army and Navy. This was the doctrine of the independence of the Supreme Command, which is peculiar but fundamental in the Japanese system. Under this doctrine no administrative office can interfere in the execution of operations and tactics, or, in other words, administrative officers have no voice whatever in matters concerning genuine Supreme Command. Accordingly, an administrative department of the Government or Ministry cannot undertake any responsibility or interference in policies of that nature. Of all the Ministers in the Cabinet, only the War and the Navy Ministers occupy positions which differ from that of the other Ministers in the sense that these two Ministers were participants in the council of war. That is to say, both the War and Navy Ministers participated



in administrative matters which had direct or indirect relations with operations including personnel affairs. However, even in these cases, the War and Navy Ministers did not take part in the decision for operational plans, which is the substance of the operations, nor in the implementation of such plans. Both War and Navy Ministers were informed of matters concerning operational plans only after these plans had been reported and assented to by the Emperor. With regard to these matters, the testimony of the witness ISHIHARA, Kanji is correct (Record Page 22,153).

At this juncture where reference is made to the Supreme Command I feel I should clarify some items respecting Ex. 1979-A, which are attributed to me as my answers to the interrogation of the Prosecution on 14 March 1946, inasmuch as these answers do not convey my meaning exactly or fully:

(a) The members of Imperial Headquarters consist mainly of members of the Army and Navy General Staffs, and partly by members of the Army and Navy Ministries concurrently (other than the Ministers of War and Navy). They are divided into Army and Navy Departments of Imperial Headquarters and are under the control of the respective Chiefs of the Army and Navy General Staffs.

(b) The Ministers of War and Navy are not included in Imperial Headquarters as regular members, as has been stated in the above Exhibit. Yet it is stipulated in the regulations that War and Navy Ministers can attend the Imperial Headquarters Conference as "participants" with



respective assisting members, the reason for such a provision being that military and naval administrative matters connected with High Command may thereby be handled with dispatch. However, during my tenure of office as War Minister there was not a single occasion when I had to attend such a Conference. Furthermore, a War Minister is not permitted to participate in the decision of affairs purely in the nature of High Command. Such matters are communicated to the War Ministry only after a final decision in Imperial Headquarters. (Def. Doc. 2942)

(c) A regular Imperial Headquarters' Conference, to be held in the presence of His Majesty, had not been held during the entire period that I held the position of War Minister. The meetings to which I mentioned in the above Exhibit as having attended were meetings for the purpose of exchanging information between the Army and the Navy, and they were not Imperial Headquarters Conferences in their proper sense.

119. From 1 December 1941 to the outbreak of the war, Liaison Conferences were held frequently. At these conferences decisions were made on numerous issues having an important connection with the preparation for the execution of operations and also with affairs of state. The more important of these, as I recollect, are the following. These matters lay outside the sphere of pure Supreme Command, as stated in the above paragraph, but they had some connection with both the High Command and Military Administration requiring therefore some co-ordination between the two.



(1) The note to be handed to the United States and the decision as to the time of its delivery.

(2) The decision on the guiding principles in the conduct of the war thereafter.

(3) The decision on administrative principles of occupied areas.

(4) The measures to be taken in relation to foreign countries following the outbreak of war.

(5) The drafting of the Imperial Rescript for the declaration of war.

120. The decision on the note to be handed to the United States and the time of its delivery. On 8 December 1941, (Tokyo Time) the Japanese Government, through Nomura, the Japanese Ambassador to the United States, handed the United States Government the notification intimating the Japanese Government's determination to sever diplomatic relations with the United States, and its intention to open hostilities. The text of this notification is as set forth in Exhibit 1245-K. The Foreign Ministry was responsible for all the diplomatic steps concerning this notification.

Prior to this, at the Liaison Conference of 27 November 1941, our attitude vis-a-vis the Hull note of 26 November, which was regarded by us as the ultimatum of the United States was decided as stated previously. According to my recollection, Foreign Minister TOGO presented the draft of the notification for discussion at the Liaison Conference of 4 December based on the above decision. This proposal was



approved unanimously. Moreover, I remember that the following procedure was agreed upon:

- a. All diplomatic steps concerning our last note were to be left to the Foreign Minister
- b. This notification was to be in the nature of a notification of war based upon International Law, and Japan was to reserve freedom of action after handing the notification to the United States.
- c. The handing of the notification to the United States Government must be carried out, without fail, before the opening of the attack. The notification must be handed by Ambassador Nomura to the responsible official of the United States Government. The notification to the American Ambassador to Japan was to be handed over after the opening of the attack.

With regard to the delivery of the notification prior to the commencement of the attack, the Emperor had frequently instructed both myself and the two Chiefs of the General Staffs, and the Emperor's wishes in this connection were conveyed to all members of the Liaison Conference and they were all fully aware of them.

(d) The time of the delivery of the notification to the United States was to be decided upon after consultation between the Foreign Minister and the two Chiefs of the General Staff, since there was a precise interrelationship between diplomacy and strategy. The strategic plan for attacking Pearl Harbor and other places, and troop movements,



especially the time of launching the attacks, was made top secret by Imperial Headquarters, and not even a fraction of it was revealed. Accordingly, of the attendants at the Liaison Conference all Cabinet Members except War and Navy Ministers knew nothing of it. As War Minister, I was informed of it very secretly by the Chief of the Army General Staff, but the other Cabinet Members did not know of it. In the relevant part of my interrogations admitted in evidence as Exhibit No. 1202-A I stated that both Foreign Minister TOGO and the President of the Planning Board, SUEZUKI, had knowledge concerning the time of attacking Pearl Harbor. This is entirely a misrecollection on my part, and, therefore, I wish to correct it now in my testimony here.

As I remember, at the Cabinet meeting on 5 December 1941, Foreign Minister TOGO explained the gist of the Japanese final note to the United States, to which all the Cabinet members agreed.

On 6 December, the Japanese Government gave Ambassador Nomura instructions by wire that after serious deliberation the Government had decided on a note to be sent to the United States; that the Government will instruct him further by wire as to the time of handing this note to the United States;



that the Ambassador should make all preparations so as to enable him to present the note to the American Government at any time after its receipt. (For details reference is made to Yamamoto's testimony on Page 26,097 of the Transcript). Thereupon the text of the note was wired to him.

On 7 December, the following day, the Japanese Government gave instructions by wire to Ambassador Nomura to hand the note in person to the United States (preferably to the Secretary of State) at 1:00 P.M. sharp Washington time on 7 December. To recapitulate, with regard to the handing of the notification to the United States, the Japanese Government had every intention that it should be delivered before the attack on Pearl Harbor, and took action in strict accordance with this intention. I conscientiously believed at that time that the delivery was made rigorously in conformance with the Foreign Minister's instructions. It was but natural for us to place full faith on our diplomatic official in executing a function of such vital importance in strict compliance to pre-arranged instructions, and it was a matter of great regret to the Japanese Government upon learning subsequently that the actual delivery of the note was delayed. As to the contents and the handing of the final note to the United States, the Cabinet and the Liaison Conference relied entirely upon and trusted the Foreign Ministry to exert the utmost endeavor in the light of international law and the conventions.



121. Decision on the guiding principles in the conduct of the approaching war. Although the exact date escapes my memory, the agreement was reached in the Liaison Conference pertaining to the principles in conducting and directing the execution of the coming war. Portions of this agreement were decided upon at the Liaison Conference previous to 1 December, by way of preliminary preparation, but for purposes of clarification shall list them at this point concisely:

a. Immediately after the outbreak of the war against the U.S., Britain and the Netherlands, efforts will be made through political and strategic measures to bring about the fall of both Britain and the Chungking Regime.

b. The key points in the strategic districts in the Philippines, British Malaya, the Netherlands East Indies and Southern Burma will be swiftly occupied in accordance with the plan set up by the Supreme Command. A foundation for self-sufficiency will be established through an assured occupation of those regions. Moreover, preparations will be perfected to meet possible changes in the situation to the North. The Supreme Command estimated the required time for these preparations at about five months. The military operations thereafter will be conducted in conformity with the conditions obtaining at that time, particularly with the results of naval warfare.

c. Declaration of war will at first be limited to the United States and Britain. For the time being no declaration of war will be made against the Netherlands. The existence of a state of war will



be announced if the need arises for a resort to arms. However, simultaneously with the outbreak of the war, the Netherlands will be regarded as a quasi-hostile country, and appropriate measures will be taken towards her on this status.

d. No change will be made in relation to the policies pursued to date to expedite settlement of the China Incident. Hongkong will be attacked simultaneously with the outbreak of the war. The British concession at Tientsin, the International Settlement at Shanghai, and other rights and interests of hostile countries in China will be dealt with accordingly.

e. With respect to the Soviet, the neutrality pact will be respected and the policy of maintaining tranquility in the North will be adhered to. Soviet-American cooperation will be carefully watched.

f. Request for the passage of Japanese troops through Thai territory will be made prior to the advent of Japanese troops on Thai borders.

g. Japan will not request Manchoukuo and the Nanking Government to participate in the war; only their friendly cooperation will be expected.

h. A treaty of a non-separate peace will be concluded with Germany and Italy. An offer was made to Germany and Italy of a non-separate peace treaty on 29 November 1941, at the time the negotiations with the United States were ruptured. However, no notification was made to them as to the date for opening hostilities. It was after the outbreak of



the war, namely, 11 December 1941, that this treaty was concluded. This clearly indicates that no close cooperation existed between Japan and Germany and Italy prior to the outbreak of war, and Japan's decision to go to war was made without regard to the attitude of Germany and Italy, and was dictated purely by the needs for self-defense.

i. The time of opening hostilities will be kept secret.

j. The preparations for the commencement of hostilities along the lines of the decision made on 1 December will be recalled in the event U.S.-Japanese negotiations should result in an understanding before 8 December.

As the attack on Pearl Harbor at the outset of hostilities was solely in charge of the Navy Division of the Imperial General Headquarters, I had no connection with it whatsoever. However, I will testify on the political phase of the matter in a later paragraph.

On 1 December the Army Division of the Imperial General Headquarters issued orders for commencement of preparations for opening hostilities to the Commander-in-Chief of the Southern Area Army, the Commander-in-Chief of the Expeditionary Forces in China and the Commander of Forces in the Southern Seas. At the same time it was directed that as soon as the U.S.-Japanese negotiations reached an understanding, these preparations should be called off. Since all



matters concerning the Supreme Command absolutely were outside my jurisdiction I cannot testify as to them. (Def. Doc. 2947)

122. I shall next submit evidence pertaining to the administrative principles enunciated concerning prospective occupied areas.

(1) As one of the preparatory measures for military operations we decided on the principles concerning the administration of future occupied areas in the South, which was made at the Liaison Conference held, to the best of my recollection, on 20 November 1941. (Ex. 877) These principles were communicated to the respective Commanders simultaneously with the order of the Supreme Command for commencement of preparations for opening hostilities.

(2) The fundamental ideas governing the decision on the principles for administration of occupied regions, held at that time, was to administer occupied territories in line with the following basic policies and in accordance with developments of military operations.

a. Occupied territories shall be placed under the military administration for the time being and shall be carried on under the supervision of operational forces.

b. Such military administration shall be abolished as soon as possible and independence or self-government shall be granted as promptly as expedient in so far as local political conditions warrant,



with due regard to previous historical sub-division. These independent or self-governing regions shall be required to cooperate with the establishment of the Greater East Asia Co-prosperity Sphere entertained by Japan and, depending on local conditions, asked to assist in the prosecution of the war.

(3) The outline of the administration in the southern occupied regions is as shown in Exhibit 877, the highlights of which are as follows:

- a. The restoration of peace and order within the occupied areas, and the stabilization of the life of the inhabitants.
- b. The prompt and speedy acquisition of the critical natural resources needed for national defense.
- c. The achievement of local self-sufficiency of the forces engaged in military operations.

The following were conditions to be observed in the execution of the above principles:

- a. To utilize existing governmental agencies, to respect existing organizations and racial traits, customs and habits, and to recognize freedom of religion.
- b. To win over local foreigners to cooperate with the military administration; as to those who refuse to cooperate, they were to be requested to withdraw.



c. With respect to local Chinese residents, a severance of relations with Chungking was to be sought and cooperation with our policies was to be obtained.

d. Japanese nationals advancing to the South were to be carefully selected.

123. I shall next testify to the measures to be taken against foreign countries with respect to war. As stated above, we decided not to declare war against the Netherlands; the Netherlands declared war against us on 10 December 1941. On 12 January 1942, Japan proclaimed the existence of a state of war between Japan and the Netherlands. (Ex. 1337) Next, I shall touch upon the relations with Thailand. The following decision was reached at the Imperial Conference on 5 November 1941, namely, "In case of war against the United States, Britain and the Netherlands, intimate military relations should be established between Japan and Thailand".

(1) In accordance with this decision it was further agreed at the Liaison Conference of 23 November 1941 that Japan just prior to the advent of its force to the Thai border, which had then been decided upon provisionally, should request of that Government the transit of troops over its territory, extending facilities for the passage and arranging suitable measures to avoid any unforeseen conflict between Japanese and Thai forces.

(2) In case the British forces should invade Thailand before the advent of Japanese forces,



Japan should immediately inform the Ambassador in Thailand of that fact, and cross into Thai territory after an understanding was reached between both parties. Subsequent to the decision on commencing preparations for war of 1 December 1941, communications on the above measures were dispatched to the forces at the spot in order to enable them to carry them out prior to commencing passage. The reasons for taking these steps arose from the special relations existing between Japan and Thailand at that time. The Japanese Government, in view of the friendly attitude of Thailand, particularly of Premier Pibul, relied heavily on her and was confident that the negotiations for the aforesaid passage of our forces would come to a successful conclusion. However, we refrained from presenting the request prematurely because of the fear that it might be disclosed to the British. Consequently, in accordance with orders, the Japanese Ambassador to Thailand commenced negotiations with the Thai Government for passage just prior to the advent of our forces. It so happened, however, that the Thailand Premier was away on a trip, and it was not until around noon of 8 December that the agreement was signed. (Ex. 3035) Previous to this, the Japanese army forces had received intelligence to the effect that the British forces had entered the southern part of Thai territory. A skirmish between Japanese and Thailand forces occurred at a certain restricted area on the southern coast of Thailand, but it was entirely concluded by 3 P.M. on the 8th of December due to measures



taken by the Thai Government. The crossing of the Thailand border by British forces was confirmed as previously testified to before this court by Colonel Wild, (R. 5691-5692) and I received intelligence on that matter at the time. I remember that Vice-Minister KIMURA stated in my name at the 78th Session of the Imperial Diet, held on 15 December, that "the British Empire, by means of both political and strategic influence, has long been putting pressure on Thailand with a view to manoeuvring her into participation in the Anti-Japanese Front. Recently Britain under cover of darkness at midnight of 7 December has broken through the Malaya border and invaded the southern part of Thailand, thereupon our army forces with the support of the Navy have completed landing operations at strategic points of the Malaya Peninsula at dawn of the 8th." (Def. Doc. 2710)

124. The decision on the Imperial Rescript on the declaration of war and its promulgation. Japan promulgated the Imperial Rescript on the declaration of war on 8 December 1941 on the first day of war. This Imperial Rescript has been introduced as Exhibit No. 1240. As is clearly indicated in the first paragraph of that document, this Rescript was solely addressed to the people of Japan, and it does not fall into the category of a communication of commencement of hostilities, as contemplated under international law.



125. Prior to this, when we received the United States ultimatum as contained in the Hull note of 26 November 1941, we felt that the commencement of hostilities could not be avoided any longer, and it was decided at the Liaison Conference held about 29 November, if I remember correctly, to start drafting the Imperial Rescript on a declaration of war. The final draft of the Imperial Rescript was decided upon at the Cabinet Council on 5 December and at the Liaison Conference on 6 December, and submitted to the Throne on 7 December 1941. However, in view of the gravity of the subject, I made two or three interim reports to the Throne prior to its final form. On these occasions we amended the following two points in the Imperial Rescript in obedience to His Majesty's wishes, on the responsibility of the Cabinet:

The first is, a line of the 3rd paragraph of the Rescript, reading, "It has been truly unavoidable and far from our wishes that our Empire has now been brought to cross swords with America and Britain" which was amended and added in accordance with His Majesty's wishes. The second, is an amendment to the concluding part of the Rescript, which was transmitted through the Lord Keeper of the Privy Seal, KIDO, to Cabinet Secretary Inada. The original wording of the concluding paragraph of the draft read, "raising and enhancing thereby the glory of the 'Imperial Way' within and without our homeland", which was thence, according to the



Imperial wish, amended to read "preserving thereby the glory of our Empire". His Majesty's true intent and purpose can be easily understood from the foregoing two amendments. (Ex. 3340 - Sec 240, 241)

The transaction of the promulgation of the Imperial Rescript on the declaration of war was submitted to the Privy Councillors for discussion. I remember it was past 11 A.M. on 8 December 1941 that the above Rescript was announced by the Cabinet, after deliberations in the Privy Council, and the Imperial sanction obtained. The general outline of the deliberations in the Privy Council is as represented in Exhibit No. 1241. (Records of 8 December 1941) It is stated in that Exhibit that I explained before the Investigation Committee of the Privy Council to the effect that as the war against America, England and Holland was decided upon 1 December the negotiations with America since then were continued only for strategic considerations, and also that Japan was not going to declare war against Holland in view of future strategic convenience.

Now, my statements before the Privy Council were recorded not through stenographic methods but were only summarized by the Secretary. Hence they do not correctly convey what I actually said on that occasion. What I actually said was as follows: "The decision to go to war against the United States, Britain and the Netherlands was made on 1 December. After that date preparations for the commencement of hostilities were foremost in our efforts.



However, even in the course of these preparations, we continued to hope for some possibility, however faint, of arriving at a diplomatic settlement through reconsideration of the matters on the part of the United States. If this hope materialized we contemplated the suspension of all military operations. However, war had actually broken out, but inasmuch as we were not anticipating any attack on the Netherlands at the outset of hostilities it was deemed unnecessary for Japan to declare war against her. For this reason Holland was not included in the Imperial Rescript". That was the gist of my report to the Council.

#### CARRYING OUT THE PEARL HARBOR ATTACK

126. Japan on 1 December 1941 for the first time made preparations for opening hostilities and, following the strategic plans of the Army and Navy divisions of the Imperial General Headquarters, undertook to break through the enemy encirclement at four points, namely, Hawaii, the Philippines, Hongkong and Malaya. The operations were solely pointed at military targets. The attack was opened at dawn of 8 December (Japanese time). This operation was arranged in the strictest secrecy by the Supreme Command. As Minister of War, I had been notified of its general outline through the Chief of the Army General Staff but no cabinet colleague, other than myself and the Minister of Navy, were acquainted with the operation. During



this period of preparation for operational moves it was my belief that should the Japanese-American negotiations fortunately come to an understanding, I could immediately transmit the matter to the Supreme Command, upon which the Supreme Command would immediately suspend action. I felt confident that the Supreme Command would not hesitate to call off operations despite its thoroughgoing plans and its confidence as to the outcome. I was not without anxiety that the plan of attack might collapse by being forestalled by an enemy attack. My apprehension was based upon the fact, judging from intelligence received at that time, as mentioned previously, that America and Britain had already determined to wage war against Japan. In the order of the Supreme Command under date of 1 December 1941, concerning the commencement of preparations for war, it was inserted that in case of an attack by the enemy hostilities should be entered into. (Item B of the instructions from Chief of Naval General Staff to Commander-in-Chief of Combined Fleet dated 21 November 1941 appearing on Page 76 of Ex. 809 also TANAKA, Shinichi testimony R. 27,020) In other words, there existed a high probability that the enemy might open the attack. We did not anticipate at that time that America was directing the war so as to force Japan to make the first overt act.

127. To the best of my recollection, it was at 4:30 A.M. of 8 December 1941 that I received news from the Navy of the successful attack on Pearl Harbor.



I was enthusiastic and grateful for this miraculous success. The Army and Navy information departments of Imperial General Headquarters announced at 6 A.M. on the same day that we had entered into a state of war with America and Britain. At 7:30 A.M. on the same day the Cabinet was called into extraordinary session, and on that occasion the complete plans of military operations were explained for the first time by the Army and the Navy Ministers. In the meantime we had also received reports on the success of our operations in the Malay area.

128. The circumstances surrounding the delay in the delivery of our final note to America was clarified by the witnesses Kameyama and Yuki. (Record Pages No. 26,186-26,209) The time of the delivery of the note was decided upon after careful study on the part of the Foreign Ministry and the Supreme Command apropos the attack on Pearl Harbor. Accordingly, as alluded to previously, a resort to such dubious measures as to wilfully delay the delivery of the note in order to secure the success of the attack was inconceivable. Furthermore, as borne out by the evidence, since the United States had full knowledge of our attack prior to its actual launching, and had completed the necessary measures to cope with the situation, such an act as to delay the delivery of the note on our part would not have had any particular effect.



THE PRESIDENT'S MESSAGE TO THE EMPEROR

129. About 1 A.M. on 8 December 1941 (I do not recall the exact hour) Foreign Minister TOGO suddenly called on me at the Prime Minister's residence, and told me that Ambassador Grew visited him and after informing him that the President of the United States had sent a personal message to the Emperor handed him a copy of this document. The Foreign Minister also informed me that he was going to deliver the message to the Emperor. I asked the Minister if the message contained any concessions from the position hitherto taken by the U.S. and got the reply that there were none. I told him that although I had no objection to his reporting the matter to the Emperor, I was afraid that by this time the planes of our task force would be beginning to take off from the carriers. The Foreign Minister left me and I believe he immediately reported it to the Throne.

That was the first time I knew of the President's message. It is absolutely untrue, therefore, as alleged by the Prosecution, that I had previous knowledge that the President's message would be forthcoming from America; much less is it true that the Army or the Government contrived to delay the delivery of such message. In this country no subject would even think of committing such an outrageous act of lese-majeste as to wilfully delay a message from the head of a nation addressed to the Emperor.



RESPONSIBILITY FOR CONTROL AND SUPERVISION OF ADMINIS-  
TRATIVE BUSINESS

130. In the military organization of Japan the responsibility for controlling and directing subordinates is divided into two categories, according to the nature of the matter concerned.

(1) The first category covers matters which arise within the chain of command of the Supreme Command; that is to say, matters concerning strategy, security, transport, and the treatment of prisoners of war during the period of their transportation to P.O.W. camps established by the Minister of War. All these matters fall within the category relating to the system of jurisdictional responsibility of the Supreme Command, and therefore the final responsibility involved in these matters rests with the Chief of the General Staff. Citing examples from events in this trial, the occurrences which took place on the Malay Peninsula, on the Bataan Peninsula, and the affairs which occurred en route on transport vessels are matters which occurred prior to the internment of prisoners in the P.O.W. camps established by the Minister of War, and, therefore, fall within the jurisdiction of the individuals in the chain of command of the Supreme Command directly concerned.

(2) The second category covers matters which occur within the jurisdictional authority of the Minister of War. For example, the treatment of prisoners of war after internment at Detention Camps,



established by the Minister of War, or the treatment of civilian internees interned in the war zones, except for China, are of this classification. Consequently, the treatment, for example, of the war prisoners employed in the construction of the Burma-Siamese Railway, falls within the jurisdiction of the War Minister.

With respect to the second category I assume administrative responsibility as Minister of War for the period from the beginning of the Pacific War up to 22 July 1944.

Regarding the affairs in the first category, I take administrative responsibility incumbent on the Supreme Command as the Chief of the General Staff from February 1944 to July 1944.

Should there be any questions concerning foreign affairs such as protests from enemy countries, or through the international Red Cross, during the period of 1 September to 17 September 1942, I also take administrative responsibilities as the Minister of Foreign Affairs.

Should there be any incidents involving the treatment of civilian internees in Japan proper during the period from 8 December 1941 to 17 February 1942, I also assume administrative responsibility in my capacity as Minister of Home Affairs.

Further, as Prime Minister and concurrently as War Minister I am politically responsible for matters



relating to the promulgation of the P.O.W. punishment law. However, the question of my legal responsibility or criminal liability for these matters is entirely one for this Tribunal to determine, and I have nothing whatever to say on this point other than to state frankly that at no time during my entire career did I ever contemplate the commission of a criminal act.

131. In the following I shall cover some of the issues which arose in connection with the treatment of Prisoners of War while I occupied the post of War Minister. In regard to prisoners of war as well as to civilian internees and inhabitants in occupied territories, I gave orders in accordance with the P.O.W. Treatment Regulations (Exh. 1965, Page 3) and P.O.W. Service Regulations (Exh. 1965, Page 14) prohibiting maltreatment and imposition of forced labor, and directed that they should be treated with humanity according to the principles of international law and the regulations. Additionally, in January of 1941, by War Ministry Instructions No. I, issued the "Field Service Instructions" (Sonjinkun) in which directions were given to all army officers, soldiers and civilian employees of the Army as to their behaviour at the front. (Exh. 3069) Everyone going to the front during the Pacific War was given a copy of this "Field Service Instruction" and a thorough dissemination of the spirit of the instructions was aimed at. (Testimony of the Witness, Ichinoe, Record 27,433). My views as War Minister on matters which the Prosecution



alleges were unlawful acts are given in Exhibit 1981-A.

132. As to the Geneva Protocol, it was not ratified by Japan. As a matter of fact the Japanese conception regarding prisoners of war differs from that of Europeans and Americans. Furthermore, differences in every day living conditions, as well as customs and manners between Japanese and other nationals, together with the enormous number of Prisoners covering such a vast area and embracing many different races, plus the acute shortage of various materials and supplies, made it impossible for this country to apply the Geneva Protocol verbatim.

The statement that the Japanese conception regarding P.O.W.'s differs from that of Europeans and Americans means that from ancient times the Japanese have deemed it most degrading to be taken prisoner, and all combatants have been instructed to choose death rather than be captured as a P.O.W. Such being the case it was considered that a ratification of the Geneva Protocol would lead public opinion to believe that the authorities encouraged them to be captured as prisoners, and there was fear that such a ratification might conflict with the traditional idea concerning P.O.W.'s and this fear had not been dispelled up to the beginning of this war. In response to an inquiry from the Foreign Office regarding the Geneva Protocol the War Ministry replied that although it could not announce complete



adherence to this Protocol, it perceived no objection to the application, with necessary reservations, of its stipulations concerning Prisoners of War. In January 1942 the Foreign Minister announced through the Ministries of Switzerland and Argentina that Japan would apply the Protocol **with modification** (Junyo) (Exhibits 1469-1957). By the term "apply with modifications" (Junyo) the Japanese Government meant that it would apply the Geneva Protocol with such changes as might be necessary to conform to the domestic law and regulations as well as the practical requirements of existing conditions. This was stated clearly in the note of the Japanese Government, dated 22 April 1944, made in reply to the protest of the American Government. (Def. Doc. 2775). The Army's <sup>was</sup> interpretation of conditions/identical, and action was taken accordingly. The P.O.W. Treatment Regulations and other rules are consistent with the above statement.

#### DISCIPLINARY LAW FOR PRISONERS OF WAR

133. The disciplinary law for prisoners of war was amended in March 1943 (Exhibit 1965, Page 29 and the following pages in the English version.) There were two reasons for this amendment. First, the said Disciplinary Law for Prisoners of War was first enacted in the 38th Year of Meiji (1905) and contained the classification and the designation of the penalties which were in use previous



to the existing penal law; secondly, the original P.O.W. Penalty Law was enacted at the time of the Russo-Japanese War, and the conditions prevailing in this war were vastly different from those in the former war as for instance, the complexity of racial differences among P.O.W.'s, the variations in their nationalities, and, particularly, the number of P.O.W.'s involved being beyond comparison, thus making the entire situation much more complicated. Consequently, we were confronted with the necessity of effecting a reform in the control and supervision of P.O.W.'s.

134. The cardinal principles of reform in the Disciplinary Law for Prisoners of War are as follows: First, the new legislation adjusted those articles relating to the crime of violence ~~or~~ insubordination against P.O.W. Supervisors, the crime of escape in mass-conspiracy, and the crime of breach of parole. Second, the new law adopted new rules for penalties relating to misconduct such as prisoners' mass-meetings, assault and intimidation, and the formation of bands for the purpose of killing, wounding, intimidating, insulting or insubordination against P.O.W. supervisors, and these were all based upon the idea of applying with modifications the Geneva Protocol, and were drafted with the conviction that they were not in conflict with the Protocol.



MILITARY REGULATIONS FOR THE PUNISHMENT OF ENEMY  
FLYERS

199. The penalties for those persons violating wartime laws and regulations during an air raid are provided for in the Vice War Minister's communication issued by order of the War Minister (Ex. 1992). The motive for this communication was as follows: When, on 18 April 1942 the Doolittle fliers invaded the Tokyo Area, atrocities were committed by these flyers in violation of international law and regulations. It is unnecessary to recall that these same atrocities instigated against a civilian population constituted war crimes according to established International Law. As a result a huge cry arose demanding truculent action, from the standpoint of national defense, to prevent such atrocities in the future. On the other hand it was considered highly important in future air raids to prevent rigorous treatment to plane crews by troops on the spot out of hatred to them. It was concluded essential that all these cases go to trial, and be disposed of after due deliberation as to whether or not particular acts constituted violations of international law and regulations. In view of the foregoing considerations, this communication of the Vice Minister was issued in July 1942. Based upon this communication, "Military Regulations for the Punishment of Enemy Flyers" was enacted in August 1942, in the name of the Commander-in-Chief of the Japanese Forces in



China. (Exhibit No. 1991). This law is an assembly of the rules and customs of land warfare and of the draft regulations concerning aerial warfare, and was, therefore, not in the nature of a new set of regulations, but was rather a compilation of the principles of the law and regulations then existing in international practice.

136. As regards the punishment of the flyers who raided the Japanese homeland on 18 April 1942, a trial was held pursuant to the aforesaid court-martial law at a Court established in Shanghai, and all eight prisoners were sentenced to death. As to paying the penalty for these crimes, the court reported its findings to the Imperial Headquarters as required, and the Chief of the Army General Staff consulted with the War Minister, stating that the sentences should be carried out as pronounced by the Court unanimously. Being fully aware of His Majesty's gracious concern on such matters, I, as the War Minister, after an informal report to the Throne, took measures to have the death penalty of five of the prisoners commuted.

#### CONSTRUCTION OF THE THAILAND-BURMA RAILWAY

137. The object sought in plans for the construction of the Thailand-Burma Railway was to expedite supplies to the Japanese forces in Burma as well as to facilitate commerce and communications between the two countries. On account of the relentless depredations to the sea-borne traffic by



enemy submarines, it became vitally important to open a land route to that area, and this railway was surveyed and constructed by order of the Army General Staff. As War Minister, I was consulted and agreed to the proposed undertaking by the General Staff. With respect to labor in connection with the work on the railway, I agreed to the employment of prisoners of war, which were placed under the jurisdiction of the War Minister. The railway route lay at a great distance behind the front lines and there being no military operations in progress in that area at that time it was quite apparent the construction work on this railway could not be construed as being confined within the class of military operations prohibited to prisoners of war labor by the Hague and Geneva Treaties and, moreover, the district was not an uncommonly unhealthy one for that area. Many Japanese soldiers, employed there side by side with the P.O.W., were treated equally with men of other and stronger nationalities, and there was not ever the faintest thought in our minds that this type of employment would ever be challenged as prohibitive under international standards.

138. It was the Chief of the Army General Staff who undertook to direct the construction work of the railway but, as War Minister, I held the administrative responsibility as supervising authority over the P.O.W.'s. When informed in May 1943 of deficiencies in the sanitary conditions and treatment of the P.O.W.'s engaged in the work



I dispatched General Hamada, Chief of the P.O.W. Control Section and a number of expert surgeons there from the Medical Bureau. A company commander who dealt unfairly with the prisoners was tried by Court Martial. I also relieved from duty the Commanding General, Railway Construction, as previously testified to by Witness Lieutenant General Wakamatsu, Tadichi.

SUMMARY OF THE DISPOSAL OF THE PRISONERS OF WAR AND  
THE INSTRUCTIONS GIVEN TO THE COMMANDERS OF PRISONERS  
OF WAR CAMPS

139. The witness Tanaka, Ryukichi, has testified that the "Summary of the Disposal of the Prisoners of War" (Exhibit No. 1965 on page 30 and below of the English translation) offered by Uemura, Chief of the Prisoners of War Control Section, was approved in the Bureau Directors' Council, and that this Summary had the effect of compelling compulsory labor by the prisoners. This statement is grossly erroneous. This Summary did not order, nor did it suggest even any compulsory labor, as is very clear from its text. The statement of the witness is nothing more than a dogmatic interpretation of his own. As is shown in "The Regulations on the Work of the Prisoners of War" (Exhibit No. 1965 Page 14 of the English translation) a way is left open to officer P.O.W.'s who may choose to labor in accordance with their voluntary will. Moreover, this Summary was neither deliberated nor decided upon in the Bureau Directors'



Council. It was drafted by Uemura, Chief of the Prisoners Control Section, and adopted by me. The Summary, as well as the instructions I gave to the Commanders of Prisoners of War camps, (Ex. 1962-1963), did not order any compulsory or severe labor, even though some reference was made to P.O.W. labor.

The prosecution seems to have the wrong interpretation of the word "gunji" as used in Laws, Rules and Regulations pertaining to Prisoners of War (Ex. 1965-A R. 14,475).

On page 31 of the English text is the following: "Prisoners of War who are white persons shall be imprisoned in Chosen, Taiwan, Manchuria and China successively to be employed in the expansion of our production and on work connected with military affairs."

Literally the word "gunji" means "military affairs" but in its broad sense it means anything connected with the war effort. For instance, the clothing industry in which clothing for soldiers and civilians was made was considered "gunji". So was the coal industry, the cement industry and the rice polishing industry. In fact, any industry that was necessary for the war effort was work connected with "military affairs", in contradistinction to the manufacture of luxury items, toys, etc.



CORRECTIONS TO BE MADE IN MY STATEMENTS CONCERNING  
P.O.W.'s

140. Several of my replies to the interrogations of the Prosecution concerning P.O.W.'s have been presented in evidence. I wish to correct certain points in the record wherein I made erroneous statements owing to the inaccuracy of my memory at that time.

(1) There is a paragraph in Exhibit No. 1983-A to the effect that the rules concerning prisoners of war were the result of conferences between the Chief of the Military Affairs Bureau and the General Staff. The rules applying were decisions made by the War Ministry, but they were drafted by various Bureaus and Departments according to the subject matter, so it is incorrect for me to have said that they were drafted exclusively by the Chief of the Military Affairs Bureau.

(2) In Exhibit 1984-B, I replied in the affirmative to the Prosecution's interrogation as to whether heads of various prison camps had to make a monthly report to the Military Affairs Bureau with respect to the prisoners under their care in connection with food, health, labor and so forth. As regards the death of prisoners due to malnutrition and other causes, I replied that the Army Commanders in the field were responsible, however, in case they could not fulfill their responsibilities they were to make request to the War Ministry and, further, I answered that these requests came to the Chief of the



Military Affairs Bureau, and that after consultation between the latter and the Commanders in the field, the War Ministry would take action by sending food, or by some other available means. As a matter of fact, however, (a) the transaction of the business concerning the rations of prisoners was in charge of the Accountant's Bureau, and I was wrong in saying that it was in charge of the Military Affairs Bureau. (b) the monthly report on prisoners of war was presented to the War Minister and the Chief of the Prisoners' of War Information Bureau and not to the Military Affairs Bureau. (Reference is made to Exhibit 1965, Article 18 of the Detailed Regulations for the Treatment of Prisoners of War.) I was also wrong in saying that the report was presented to the Military Affairs Bureau.

ON THE GREATER EAST ASIA POLICY THAT HAD BEEN MAINTAINED BY JAPAN: ABOVE ALL, ON THE PARTICULAR MEASURES THAT WERE TAKEN OVER AND ADVANCED BY THE TOJO CABINET WITH THE HOPE OF REALIZATION

141. Regarding this Greater East Asia Policy supported by Japan, different terms of expressing it were utilized according to the particular period in history in which it was referred to. Citing instances, such terms were used as, "The New Order in East Asia", "The New Order in Greater East Asia", "The Establishment of Great Asia", or "The Establishment of the Co-Prosperity Sphere of Great East Asia". And this Greater East Asia Policy was concretely purported so that it might be realized by all the cabinets since the outbreak of the China Incident.



The ultimate object of the policy was, simply, to establish the stability of the Far East. As the man who actually participated in formulating and promoting this policy, I am well qualified to give evidence in exposition of our true intentions, in so far as all the ministries were concerned subsequent to the 2nd KONOYE Cabinet of July 1940.

142. Fundamentally, Japan's Greater East Asia policy was enunciated out of the necessity for economic cooperation between and among neighboring countries, which was one of the major results of the First World War, when the entire world was organized into economic zones or blocs. Subsequently, the China Incident broke out as the result of the spread of Communism in Asia and the anti-Japanese policy of China. Japan's basic policy was the establishment of peace and stability in East Asia by fostering friendly relations with China through the means of Anti-Communist and economic cooperation, and the fundamentals of her East Asia policy was the settlement of the China Incident. However in spite of valiant efforts on the part of Japan the relationship between Japan and China progressively deteriorated, enhanced by the direct and indirect assistance to the Chiang regime rendered by America, Britain and the Soviets,



until a point was reached where it became impossible to settle the China Incident through the efforts of the two countries alone. The situation developed to a stage where it necessitated as a whole the improvement of international relationships. Japan exercised her best endeavors toward this end, but America and Britain adopted a policy of strangulation against Japan, thereby forcing her on the one hand to strive for economic cooperation with French Indo-China, Thailand and the Netherlands Indies while, on the other, she had to work alone for the re-establishment of peace and stability in East Asia.

All these measures were pursued by peaceful methods, and an appeal was made to the powers for a sympathetic understanding and some active assistance. In answer, America, Britain and the Netherlands increased their pressure directed against Japan to such an extent that it became impossible to solve the problems pending between Japan and America through diplomatic negotiations. Under these circumstances, Japan was forced to exercise its sovereign right of self-preservation, and resort to arms in order to break through the barrier encircling her. Needless to state, the decision to resort to arms was dictated from the necessity for self-preservation and self-defence but once hostilities started Japan's war aims included the materialization of its East Asia policy and steps were taken to establish a



sphere of common prosperity among the nations of East Asia. The tangible means for realizing the East Asia policy were the emancipation of the Asiatic peoples in bondage, and the establishment on a family basis of free and independent nations in East Asia.

143. The "Emancipation of East Asia", one of the prerequisites of the Great East Asia Policy, aimed at the liberation of East Asia from the intolerable position or status of colonies and semi-colonies under the control of the Powers, so that they might secure and enjoy identical freedom with other racial states, in response to the long cherished and fervent desires of Eastern peoples, thus removing the obstacles preventing stability in this portion of the world. The movement was similar to that of the Latin Americans who, a century ago, fought in the cause of freedom from European domination. How these nations in East Asia groaned under the oppression of western powers, and how eager they were for freedom, is strongly indicated by a quotation from the speech of His Highness, Wan Waitayakon, Thailand's delegate to the Greater East Asia Conference, delivered at Tokyo on 6 November 1943, "Especially and more particularly since over a hundred years ago, Great Britain and the United States of America have extended their power to Greater East Asia by taking territories in this region, partly as colonies, partly as their exclusive field of exploitation for the acquisition of raw materials for production into manufactured goods, and partly as



markets for the distribution of their manufactured goods. Consequently, various nations in Greater East Asia had either to lose their independence and their sovereignty, or were subject to limitations placed upon their sovereignty, by the regime of extra-territoriality and by unequal treaties, having no reciprocity in accordance with international law. Instead of being a continent composed of political solidarity, Asia had become a mere geographical name. The distress arising out of such a situation remains fixed in the sentiment and memory of the Greater East-Asiatic nations in general". (Ex. 2351)

Furthermore, representing the Nanking Regime at the conference, Mr. Wang Chin-wei quoting from the address made by Mr. Sung Yat-sen, father of the Chinese revolution, at Kobe on 28 November 1924, said: "Japan and China are brothers. Having been stimulated and aroused by restraints of discriminatory treaties, Japan first got rid of such restraints and eventually could become an advanced state in the East as well as one of the world's Powers. At the present time, China is likewise just going to abrogate the discriminatory treaties concluded by her. I wish I could get every assistance from Japan, for China's emancipation is nothing but the emancipation of Asia". (Def. Doc. 2760-B) These are but a bare



mention of the discontent that spread across East Asia in those days.

I shall next briefly state the reason why the TOJO Cabinet after the commencement of war, made of the Greater East Asia Policy an objective of that war. All successive Japanese Governments hitherto were much worried on this point, and in view of their past experiences, came to the conclusion that this discontent in the Orient would constitute an eternal root of evil and unrest in this part of the world unless it could, in time, be adjusted by means of a peaceful understanding among the nations concerned. Such being the case, Japan offered a proposal of racial equality to be inserted in the Covenant of the League of Nations at the Peace Conference in January 1917 after World War I. (Def. Doc. 2886) This proposal, however, to the disappointment of all Asiatics was shelved by the Powers, and we were prevented from accomplishing our aim. The Washington Conference in 1922 did not only leave this fundamental problem untouched but it resulted in strengthening the colonial and the semi-colonial status of East Asia by the Nine Power Treaty, and thereby the situation ran counter to the Asiatics desire for the emancipation of East Asia. In May 1924 a bill which included an anti-Japanese immigration clause passed both houses of the American Congress and, under the signature of the President was enforced on and after July 1 of the same year.



Far in advance of this legislation, indeed as early as 1901, the Australian Government adopted the policy of prohibiting to its territory the immigration of colored people. Thus, the aspirations of the Asiatics were denied and, moreover, policies in contradiction to these desires were steadily and ever increasingly carried out instead. The Asiatics, who had been gradually awakening, were restive and irritated over these developments, and the Japanese Government, which viewed the stabilization of East Asia with great concern, paid particular attention to this trend of affairs. It was from this anxiety that the successive cabinets of Japan advocated the Greater East Asia Policy, and the TOJO Cabinet also pursued this policy and made it one of the aims of war after the commencement of hostilities.

144. The key points of the Greater East Asia policy was the establishment of a Greater East Asia. Regarding the formulation of this policy, the Japanese Government at the time held the following fundamental views. The underlying prerequisite for the lasting peace of the world is that each and every nation in the world should be placed in its proper place, and that it should enjoy happiness and prosperity by depending on and cooperating with every other nation. It is a most effective and practical means for establishing world peace that the countries closely related in the East Asia region should form a co-existence and a co-prosperity sphere among themselves by consolidating



their national foundations in helping each other and at the same time set up harmonious, pleasant relationships with countries in the other areas. These are the thoughts the Greater East Asia policy was based upon.

I stated this in the speech I made in opening the above-mentioned Greater East Asia Conference on November 5, 1942. (Ex. 1347-A) On the basis of this conception, we set the following five characteristics as our goal in the establishment of Greater East Asia:

(1) The countries comprising Greater East Asia shall through mutual co-operation secure the stability of their region, set up an order for co-existence and co-prosperity based upon justice. It is an undeniable historical fact that the countries in Greater East Asia have inseparable close connections among each other in every respect. For it is the common mission of the countries located in the Greater East Asia sphere to secure the stability of that region and to set up the order of co-existence and co-prosperity jointly. The order of co-existence and co-prosperity of Greater East Asia is to be based on a moral and spiritual foundation, characteristic of the Eastern tradition and, in this respect, it is believed to be fundamentally different from the old order, which sacrifices other races and other countries for their own benefit and prosperity.



(2) The countries of Greater East Asia shall ensure a fraternity of nations in their region by respecting one another's sovereignty and independence, and practicing mutual assistance and amity. We thought that the countries in Greater East Asia should establish friendly relations as a whole, each respecting the other's sovereignty and independence, for there exists no friendly relation where the exploitation of other countries is resorted to. I believed that friendly relations can only be extant where the sovereignty and independence of others is respected, and where all people, without distinction, are able to give full play to their natural abilities to prosper and to let others prosper in return.

(3) The countries of Greater East Asia shall, by respecting one another's national traditions and developing the creative faculties of each race, enhance the culture and civilization of Greater East Asia. From ancient times there has been a superior culture in Greater East Asia which is a form of spiritual culture marked by sublimity and profoundness. We thought if we spread this culture all over the world, after a long process of fostering and refining, that it would tend to counteract the shortcomings of the material culture, and greatly contribute to the general welfare of all mankind. We believed that the nations in Greater East Asia who have such a culture would respect one another's glorious traditions, promote the creative powers



of their own races and thereby more and more elevate the culture of Greater East Asia.

(4) The nations in Greater East Asia are to endeavor to accelerate their economic development through close cooperation of reciprocity and to promote thereby the general prosperity of their own region. In order, after all, to elevate the people's life and to execute the plan for the development of their national strength, the nations in Greater East Asia are to act in concert with each other under the plan of reciprocity, and thus to promote the prosperity of Greater East Asia jointly. For it was our belief that though it has been an object of exploitation by the Powers for a long time Greater East Asia should in future be autonomous and independent economically and aspire to build up its own prosperity by mutual reliance and assistance.

(5) Finally, the countries of Greater East Asia should cultivate cordial friendships with the world powers and work for the abolition of discrimination, the promotion of cultural intercourse and the opening of resources throughout the world, and thereby contribute towards the progress of mankind everywhere. The new order which is to be established in Greater East Asia on this principle should be not an exclusive one, but one of a positively cooperative nature, which will contribute towards world progress both politically and culturally. We were firmly convinced that to impose suppression and discrimination upon other peoples and nations, and to claim exclusive possession of vast lands and



resources, thereby continuing to threaten the existence of others in spite of an ostensible advocacy of freedom and justice, would mean nothing but destruction to world development in general, a doctrine hitherto characteristic of the so-called "old order".

Such were the fundamental views held by successive governments at the time of establishing the Greater East Asia Policy. Never could we imagine that such a policy should be construed as the planning of conquest, the domination of the world, or of aggression.

145. The above ideal as to the establishment of East Asia has always been cherished by Japanese Governments. It is clear from the foregoing statements that we in our diplomatic relations with Manchuria, in the conclusion of the Sino-Japanese Basic Treaty, in the announcement of the Japan-Manchuria-China Joint Declaration, in reaching a solution of the China Incident and in the settlement of amicable relations with French Indo-China and Thailand have bent our endeavors always for the achievement of the above goal by means of peaceful means. This hope was made known to the world in the Greater East Asia Joint Declaration of 6 November 1943, after being approved by the representatives of the respective nations attending the Greater East Asia Conference which opened on 5 November. (Ex. 1346 Record Page 12,098)

146. After the outbreak of the Pacific War, I made every effort in the realization of this



Greater East Asia Policy concurrently with the prosecution of the war. Consequently, various measures were undertaken towards that goal. With regard to the domestic situation the following two points were carried out in order to prevent the execution of the Greater East Asia Policy and the administration of occupied zones, which is closely connected with that policy, from relapsing into a mere dogma of idle fancy, and, moreover, to meet the urgent desires of respective races and the practical needs of the localities concerned;

(1) The establishment of the Greater East Asiatic Deliberative Council in March 1942 as an advisory organ to the Prime Minister in matters concerning Greater East Asia Policy. (Def. Doc. 2735)

(2) The establishment of the Ministry of Greater East Asiatic Affairs in November 1942 to supervise business with regard to the Greater East Asia Policy. (Ex. 90)

With reference to external matters concerning this policy, the following three measures were adopted:

(1) The formulation of our New Policy toward China. In accordance with this the remnants of the unequal treaty which formerly existed between this country and China were cleared and were replaced by a new treaty on an equal footing.

(2) Giving effect to concrete measures in compliance with the Greater East Asia Policy towards



respective peoples and nations within our occupied zone in response to their cherished desire.

(3) The proposal of the Greater East Asiatic Conference for the purpose of promoting good understanding among the respective peoples and to consolidate mutual cooperation by mutual agreement.

147. I shall give a brief description of the establishment of the Greater East Asia Deliberative Council, as the first measure taken at home in executing the Greater East Asia Policy.

This Council was established in March 1942 as an advisory organ to the Prime Minister. The organization and function of the Council was as shown in defense document 2735. The motive in establishing this organ was to reflect the ideas and advises of various experienced and well informed circles in Japan upon the concrete measures to be adopted, whereby the Government could be prevented from indulging in self-righteous administration and be enabled to conform with the desire and actual requirements of each locality in implementing its policy of administration in occupied areas and in various steps aimed at the establishment of Greater East Asia. It happened at that time, that a similar proposition had been made in the Diet suggesting the establishment of an investigating organ. (Def. Doc. 2736) This proposal gave birth to a new organization in the



form of an Advisory Committee. The members of this organ consisted mainly of experts in such varied fields as politics, diplomacy, finance, economy, industry and culture. In response to governmental demands the various sections of the committee made studies into the matter and proposed views based upon their respective experiences, or often presented plans on their own volition, and furthermore, discussed the ways and means of carrying out the proposal politically and administratively, thus contributing to the construction of Greater East Asia.

The Prosecution has presented some evidence purporting to be a study in the "Eokusaku Kenku-Kai" or "The National Policy Research Institute".

However, the only deliberative organization connected with the Government for the purpose of implementing the East Asiatic Policy was the above "Great East Asia Deliberative Council"; the Government was not in the least concerned with any private research or investigating organ with regard to the construction of a Greater East Asia. The Government had nothing to do with the study carried out by the "National Policy Research Institute".

The "Total War Research Institute" although official in character, had, as has already been shown, the training of students and the making of investigations on total warfare as its aims, and, therefore, had nothing to do with the formulations of Governmental policy.



148. The Ministry for Greater East Asiatic Affairs, purporting to be the second item of our home policy, was established on 2 November 1942 according to the idea of our Greater East Asia Policy. External affairs with regard to the Greater East Asia Policy were exclusively placed under this Ministry's jurisdiction, while the Foreign Ministry was left with such purely diplomatic affairs as the conclusion of treaties as heretofore. Accordingly, the Foreign Ministry, relieved of its complicated burden of administrative business, was enabled to devote itself to current pressing foreign policies toward allied countries, neutrals as well as belligerent powers, outside the Greater East Asiatic area, and was thus enable to contribute toward the prosecution of war and also to take the necessary steps in bringing the war to an end. In other other words, we launched out on this policy with the idea that mutual relations between independent states within Greater East Asia could be compared to that between members of a great family necessitating, between them, harmonious relations, a mutual understanding and an active, sincere cooperation. It was quite clear, therefore, that there was a great difference as compared in dealing with other nations which laid their basis of diplomatic activity on mere self interest. As a matter of fact, only business concerning the conclusion of treaties was placed under the control of the Foreign Office, inasmuch as the nations within the above-mentioned area were, without doubt, independent states and as such should be dealt with through proper diplomatic



channels.

The Greater East Asiatic Affairs Ministry held jurisdiction mainly in the following three particulars:

(1) Negotiations concerning the economy, culture and commerce etc., with respective independent states within the Greater East Asiatic area.

(2) Administration concerning the Kwantung Bureau and the South Sea Bureau.

(3) Business assisting military administration in occupied area.

The Imperial Ordinance on the organization of this department is shown in Exhibit 90. Proceedings in the Privy Council at the time when the ordinance on the organization of the said Ministry was submitted are set forth roughly in Exhibit No. 686.

149. As one of the external measures the new China Policy was formulated on 21 December 1941 in line with the principle of the Greater East Asia Policy. The Cabinet gradually developed its measures, as shown below, to attain the purpose of repealing the unequal treaty between China and Japan. The execution of this line of policies was completed on 30 October 1943.

(1) The Sino-Japanese Agreement stipulating redemption of every concession in Chinese territory and abolition of extraterritoriality, which we had held as our special interest in China, was concluded on 9 January 1943 and became effective as of the same date. (Ex. 2610)



(2) On 8 February 1943, Japan transferred the right to control enemy property we held in China to the Nanking Government.

(3) And then, on 30 October 1943, Japan and China concluded the Sino-Japanese Alliance, (Ex. 466) whereby under Article V and the annexed protocol, Japan renounced all rights of occupation which had been stipulated in the Basic Agreement concluded between Japan and China on 30 November 1940, and promised a complete evacuation of the Japanese troops including that of the remaining troops after the settlement of the China Affair. The last remnant of the discriminating treaty between China and Japan was thus removed.

(4) The above mentioned alliance was newly concluded on equal terms in which the two nations promised to respect the sovereignty and territorial integrity of each other, and to effect mutual aid and an economic coalition for the establishment of Greater East Asia, and to secure an enduring peace in the Far East.

In connection with this on 6 November 1943, the representative of China, Wang Chin-wei, made the following statement in his speech at the conference of Greater East Asia: (Def. Doc. 2760-B) "Since January of this year Japan promptly retroceded her settlements to China and abolished extraterritorial jurisdiction. Furthermore, recently Japan concluded a Sino-Japanese Alliance treaty, simultaneously abrogating the former Sino-Japanese Fundamental treaty and all other accessory



documents. The Principle of Greater East Asia, which Dr. Sun Yat Sen, Father of China, had advocated has already commenced to dawn. Japan's hearty aid toward China and the abolishment of the discriminating treaty which Dr. Sun Yat-Sen eagerly wished Japan to carry out have actually been attained now."

150. With regard to the second item of our foreign policy.

(a) First of all, on the independence of Burma. Responding to the long-cherished and most ardent wish of the people of Burma, Japan recognized the independence of Burma as a nation on 1 August 1943; on the same day the Japan-Burma Alliance was concluded on equal terms. (Def. Doc. 2757) In the first article of the treaty, Japan agrees to respect the independence of Burma.

And also, on 25 September 1943, Japan concluded a Burma-Japanese Pact (Def. Doc. 2758) in which Japan promised to assign to Burma part of the Japanese occupied territory with which the people of Burma had had a close racial association, and this promise was fulfilled by Japan. As is quite obvious in the foregoing, it should be understood clearly that Japan had no territorial ambitions in Burma, but she hoped for the realization of the projected policy of Greater East Asia, which was the desire of the people of Burma.

As a beginning for the independence of Burma, the Japanese Government, soon after the outbreak



of the Pacific War, revealed its intention in my speech on administrative policy, which was delivered at the 79th Diet session that met from 22 January 1942 (Ex 1338-B Record Page 12,034) and also positively promised to acknowledge Burma as an independent state in my speech on the administrative policy delivered at the 81st Session of the Diet on 28 January 1943 (Def. Doc. 2711) In March of the same year, when Dr. Ba Maw, Chief of administration at that time, came to Japan, I informed him of the intention of our Government. From that time on, preparations for the establishment of a state were made and, on 1 August 1943, independence was accomplished as stated previously. How ardently the people of Burma had hoped for independence was shown vividly in the speech delivered by Dr. Ba Maw, who represented Burma at the Greater East Asia Conference held on 6 November 1943. The following is a brief paragraph quoted from his speech. (Ex. 2353) "When we were only sixteen million Burmese, although we struggled for our birthright, it was in vain. For generations our patriots rose, led the people against the British enemy, but because we never realized that we were a part of Asia, that what sixteen million Burmese cannot succeed in doing a thousand million Asiatics can easily do, and because we never realized these basic facts, every revolt of ours against the enemy was mercilessly crushed. Thus, some twenty years ago in a national revolt Burmese villages went



up in flames, Burmese women were massacred, Burmese patriots were imprisoned, hanged, exiled. But, although the revolt ended in defeat, the flame, the Asiatic flame, kept burning in every Burmese heart. One revolt was followed by another and in this way the struggle went on. The day has at last come when our strength is not only the strength of sixteen million Burmese but of a thousand million East Asiatics, when so long as East Asia is strong, Burma is strong and invincible."

(b) The next subject is the independence of the Philippines. On 14 October 1943, Japan recognized the independence of the Philippines and the enactment of its constitution in accordance with the aspirations of all its people. (Def. Doc. 2810) And on the same day, the two nations concluded an alliance on equal terms, in which the first article stipulated reciprocal respect for sovereignty and territorial integrity. This is stated in Def. Doc. 2756.

Before the outbreak of the Pacific War, the Government of the United States of America, responding to the<sup>long</sup> cherished and fervent wishes of the Philippine people announced her intention of recognizing the independence of the Philippines as of July 1946. Soon after the outbreak of war, Japan keenly aware of Philippine anticipations announced her intentions of recognizing the independence of the Philippines at the Diet session held on 22 January 1942, (Ex. 1338-B) and confirmed



it again at the Diet session held on 22 January 1943 (Def. Doc. 2711). In May of the same year I went to the Philippines myself and observing the spirit of the people, assisted them in promoting the plan for establishing an independent nation. In June of the same year the drafting of a constitution and the arrangements for independence were progressing through the efforts of the Independence Preparation Association, organized by the Philippine people. Thus on 14 October 1943, the Republic of the Philippines was born as an independent nation. A constitution based on the general consent of the people was enacted, and Mr. Jose Laurel was elected President of the Republic, in accordance with constitutional provisions. The Japanese Government agreed on Mr. Laurel's proposal that the Philippine Republic would neither participate in war nor organize military forces. The foregoing, I think, shows definitely that Japan never had territorial ambitions in the Philippines.

(c) As to the true relations between Japan and Thailand, far in advance of the outbreak of the Pacific War peaceful negotiations were in progress under the principles of the Greater East Asia Policy. Consequently, (1) on 12 June 1940 the Japan-Thailand friendship treaty was concluded (Ex. 513) and, (2) on 9 May 1941 a protocol of guarantee and political understanding was signed between Japan and Thailand (Ex. 637) which assured reciprocal cooperation in friendly relations and



intimate economic relations. These understandings were entered into prior to the outbreak of the war in a peaceful and amicable atmosphere between two nations. Furthermore, after the outbreak of the Pacific War, (1), on 21 December 1941, the two nations signed the treaty of alliance, furthering the cause of the establishment of a new order in East Asia, respecting each other's independence and sovereignty, and promising mutual political and military assistance. (Def. Doc. 2932) (2), in addition, by concluding the Japan-Thailand cultural agreement on 28 October 1942, we promised to strengthen the spiritual ties of the two nations. (Def. Doc. 2933) (3), in August 1943, we concluded the treaty which provided that Japan should return to Thailand the four Malayan provinces of Perulis, Kedah, Kerantan and Trengganu out of the former Siamese territory in Malay and the two Shan provinces of Kentung and Monpang then under occupation by Japanese troops, (Def. Doc. 2759) The above mentioned retrocession of former Siamese territory was proposed by me as their Prime Minister and Minister of War. This disposal was agreed to in accordance with the decision of the Imperial Conference of 31 May 1943 entitled "Outline in Directing Greater East Asia Policy" the exact text of which is not available at present (Def. Doc. 2922) and was declared in the name of both governments on 5 July of the same year, when I visited the capital of Siam on my tour of inspection



through South Asia after my interview with Prime Minister Pibul. The reason why we selected these areas for transfer to Thailand was because these were the newest of the areas to be plundered by Britain, and we put off consideration of other areas until later. At first the High Command was inclined to oppose this disposal, however, I insisted on this from the viewpoint of the Great East Asiatic policy and finally obtained their assent. Deeply impressed with the manner in which the whole Thai nation expressed its delight at the good will of our Empire, and the achievement of its long cherished hopes, I returned to my country, and soon after my return home I decided to promote the solution of this problem.

At the Great East Asia Conference on 6 November 1943, Prince Wan Waitayakon, Siamese delegate, referred to this affair as follows: "The Japanese Government is large-hearted in sympathizing with Thailand in her aspiration to recover Thai lost territories and to unite the strength of the people of Thai race. The Japanese Government has, therefore, concluded a treaty recognizing the incorporation into Thailand of the four states in Malaya and the two states in the Shan region. This bears witness to the fact that Japan does not only respect the independence and sovereignty of Thailand, but also wish to promote the solidarity as well as the increased power of Thailand. The



Thai Government and the Thai people are most deeply and sincerely grateful to the Japanese Government and the Japanese people." (Ex. 2351) That statement implied that Japan had no territorial ambitions in the occupied areas and at the same time showed the ardour of the Siamese for this measure.

At the investigating committee meeting of the Privy Council on 18 August 1943 questions and answers were exchanged as to whether in regard to this treaty the occupying power had territorial rights to the occupied area. (Ex. 1275) Legal views concerning the above question were expressed through the answers of Moriyama, the then Chief of the Legislative Bureau. The treaty too was drafted in accordance with this view. Explanations attributed to me in the above exhibit are manifestations of my frank and simple belief from the military and political points of view; the statement in the last paragraph of the exhibit to the effect that Articles 1 and 2 of the treaty were drafted for the purpose of avoiding unnecessary friction means that we did not adopt our exclusive attitude from a military and political viewpoint but that we adopted the foregoing legal conception in the drafting of the treaty. In short, I did not think that the present treaty was in violation of international law. This was not a proceeding to include the occupied area into the occupying powers territory; it was meant on our part to let



Thailand recover, for the sake of her prosperity, her old territory, which had been plundered by England, and to contribute, at the same time, to the peace of East Asia.

To state frankly what I had in mind at that time was this: I knew of the fact that an agreement providing cession of the Polish territory and the settlement of the border was made between Germany and the Soviet Union in December of 1940 and the other fact of the annexation of a part of Roumanian territory to the Soviet Union in June 1940. I understood that it made no difference whether the treaty was a secret one or not, and that this parceling out of the territory of a sovereign nation between two major powers, was made according to international law. Another thing, the present treaty between Japan and Thailand was concluded at the time when the war was going on. As the political object of the war was the emancipation of East Asia, I expected to be faithful to the achievement of this object, we assuming it but natural to carry out without hesitation the liberation of East Asia in rapid succession. In other words, we should extend independence to the country worthy of independence, autonomy also to those worthy of autonomy, and recovery of their lost territories if expedient to do so. We thought it unnecessary to wait for the termination of the war to carry out these measures.



In addition, informations on the following facts after the war convinced me more firmly that the demarcations were not opposed to international law.

Namely, (1) At the Cairo Conference between the United States, England and Chungking Government in November of 1943 a promise to cede Formosa and the Pescadores Islands to the Chungking Government was made; clearly a part of the territory of Japan not yet occupied by the Allied Powers.

(2) In the Yalta Agreement in February 1945 1945 cession to the Soviet Union of the Kurile Islands, also not yet occupied Japanese territory, was provided for between the U.S. England and the Soviet, which was further made one of the conditions to induce the U.S.S.R. to join in the Pacific War. Such actions were presumed by the big powers to be in accordance with international law. From these I came to the firm belief that the methods taken by Japan at that time were not contrary to the then existing law.

(d) With respect to the Netherlands Indies, local conditions did not warrant immediate independence, and, consequently, as a preliminary step, and based on the decision of the Imperial Conference, above cited as "Outline in Directing Greater East Asia Policy, 31 May 1943," I, in my capacity as Prime Minister, made clear in my policy speech to the 82nd Session of the Imperial Diet on 16 June 1943 that it was the Government's policy to allow political participation to the Indonesians.



(Def. Doc. 2792) On the strength of this statement, the authorities on the spot took the necessary steps to carry out this policy, and the Indonesians were allowed active participation in governmental affairs. Apropos of this, I was given to understand that subsequent to the fall of the TOJO Cabinet the Japanese Government decided to recognize the independence of the Netherlands Indies.

On 7 March 1947, in the cross examination of the witness Yamamoto, Associate Prosecutor Comyns-Carr presented as prosecution evidence, a document purporting to have been drawn up by the Records Section of the Foreign Ministry entitled "Course of Events Leading up to Decisions on Political Control and Reversion of the East Indies in the Second World War" (Ex. 1344 Pros. Doc. 2954) and stated that at the Imperial Conference held on 31 May 1943, a decision was arrived at to make the East Indies a part of the Japanese Empire.

It is true that the decision of the Imperial Conference of 31 May 1943 appears presumptively to incorporate the territory of the Dutch East Indies under Japanese jurisdiction. As to the status of that area, the Japanese Government at the time, including myself, desired to realize its independence as promptly as possible. The opinions of the High Command, as well of those of the Army and Navy staffs at the front, however, opposed too early an acknowledgement of independence on the grounds of strategy. Thus the Conference reached an impasse.



We, on the other hand, felt an urgent need to expedite the independence of Burma and the Philippines, and also the cession of lost territories to the possession of Thailand. Under these circumstances it became necessary to retain the Dutch East Indies temporarily under present military administration to enable us to reconsider the matter, taking into account the altering of the above decision at a time appropriate. This was the reason why the decision was kept strictly secret, and the granting of participation in administrative affairs withheld even from the Commanders on the spot. Meanwhile we watched the results thereof while at the same time looking forward to the opportunity of altering the decision of the Imperial Conference. In other words even at the time of the decision of the Imperial Conference it was not our design to hold these areas as our territory to the end. However, before concrete steps could be taken in altering that decision our Cabinet resigned en-masse. During the Koiso administration the Indonesians declared their independence, on which I looked with the utmost favor.

(e) The Imperial Government recognized the Provisional Government of Free India on 23 October 1943 after its establishment on 21 October of the same year. This Provisional Government came into existence pursuant to the movement to secure the



freedom, independence and prosperity of India under the leadership of Subhas Chandra Bose, the major participants in this movement being Indians living in East Asia. Sympathizing with their long cherished desires our Empire gave full support to this Government in the great cause of the Great East Asiatic policy. And taking the opportunity at the Greater East Asia Conference, we announced that we were prepared to place both the Andaman and Nicobar Islands, the only Indian dominions in our occupation at that time, under the rule of the Provisional Government of Free India. D.D. 2760-E

We did this too in sympathy with our Greater East Asiatic policy.

151. The Greater East Asia Conference, which was the third measure of Japan's Foreign policy, in implementing the East Asia Policy, was held in Tokyo on 5 and 6 November 1943 under the sponsorship of the Japanese Government. Those who were present at the conference were: Mr. Wang Chin-wei, the representative of the Republic of China; the President of the Administrative Yuan, Mr. Jose Laurel, representing the Republic of the Philippines; Prince Wan Waithayakon, the representative of Thailand, Mr. Chang Ching-hui, Prime Minister, representing the Republic of Burma, and myself, the Prime Minister and delegate of Japan. Mr. Subhas Chandra Bose, the Head of the Provisional Government of Free India also attended. The object of the Conference was to exchange views and negotiate



frankly with each other concerning the policy of setting up a new order in Greater East Asia, and ways and means to achieve successful results in the Greater East Asia War. Concerning the object of this conference, we had previously informed and discussed with the countries concerned regarding its nature and objectives, and the Conference had been convened with their free and full agreement on these principles. At the recommendation of the representatives of these countries I was selected to preside over the Conference. On the first day, 5 November, each representative expressed his opinions concerning the policies and convictions of his country. On the second day, i.e. 6 November, we discussed the Joint Declaration of Greater East Asia, which was unanimously adopted. (Ex. 1346)

Thus the countries concerned were in complete harmony in their determination to accomplish the successful results of the Greater East Asia War and in their fundamental ideals and ardor for the establishment of Greater East Asia, and each country made abundantly clear the ideal concerning the objective of the war and the aims for the establishment of Greater East Asia. This was followed by the proposal of Mr. Chang Ching-hui, the representative of Manchukuo, that we should hold meetings of this type at times in the future. Then Mr. Ba Maw, the representative of Burma, proposed support to the Provisional Government of Free India, and this was followed by an address by Mr. Subhas Chandra Bose,



the Head of the Provisional Government of Free India, regarding the independence movement in India. I expressed the view of the Japanese Government concerning the reversion of Andaman and Nicobar Islands. (D.D.2760-E) and with this the Conference was closed.

That this Conference was in no way compulsory is evidenced by the fact that the participants indicated the following impressions from the conference. Mr. Laurel, the representative of the Philippine Islands, had this to say in his address: "My first words shall be those of profound appreciation and gratitude --- to the Great Empire of Japan --- who is sponsoring this great convention of the leaders of the peoples of the Greater East Asia Co-prosperity Sphere, so that they may discuss the common problems affecting their safety and their general welfare and so that, also, they may, through personal contact, know one another and thereby hasten the establishment and perpetuation of the Greater East Asia Co-prosperity Sphere for the glorification not only of the Asiatic peoples but of the entire world." (Ex. 2252)

Mr. Subhas Chandra Bose, the representative of the Provisional Government of Free India, said, "This Conference is not one to divide war booties among victorious nations. This is not a Conference of secret plots or tactics by which the smaller and weaker nations are to be sacrificed, nor of



cheating the weaker nations. This Conference is indeed one of liberated nations and the one to create in this area of the world a new order which is based upon the solemn principles of justice, sovereignty, reciprocity and mutual help between nations." (D.D. 2760-D)

Mr. Ba Maw, the representative of Burma, after comparing this conference with other international conferences hitherto held, said, "It is impossible to exaggerate the feelings which are born out of an occasion like this. For years in Burma I dreamt my Asiatic dreams. My Asiatic blood has always called to other Asiatics. In my dreams, both sleeping and waking, I have always heard the voice of Asia calling to her children. Today, for the first time, I hear Asia's voice calling again but this time not in a dream. We have come together, Asiatics, in answer to the call, to the voice of our mother." (Ex. 2353)

#### ARMY AND POLITICS

152. It is charged in the Indictment that the internal and foreign policies of Japan were dominated and directed by a "criminal militaristic clique". In this country, however, apart from the distant past, there has never existed a so-called "militaristic clique" much less a "criminal militaristic clique", during the period covered by the Indictment. In the early part of the Meiji Era, when "clanship", actually an extension of the feudal age, controlled



all political life, as well as the social, it might in a sense be called "a militaristic clique". It may be said that it was in the nature of a "clique", but in consequence of the ascendancy of party politics this concentrated military group, together with the old feudal system, lost their footing in the political circle. This period, of course, was distinctly prior to the years referred to in the Indictment. Thereafter, upon the establishment of the Japanese Army and Navy as systematized national institutions, and the emergence of a liberal political consciousness, the abovementioned factions could no longer be permitted to exist. Later on, it is undoubtedly a fact that the military influence again appeared within the political orbit to replace the political parties, but this was not by any means a reemergence of the old military clique. Should the Prosecution have such an erroneous belief in mind, the reference to a "military clique" is unquestionably a misuse of the term. The factor of influence at this later stage was the official military institution itself, and not a fictional existence. The fact that an official military institution arose in power was an outcome of the internal and external surroundings of Japan. It was in character and in historical emergence entirely at variance with NAZISM and FASCISM, which were organized on a different concept absolutely both philosophically and politically.

153. Involvement of the military in politics was due principally to the following political factors:



(1) Impoverishment in the life of the Japanese people around the time of the Manchurian Incident, upheaval in the reformation movement against the inroads of communism, and the sympathy of the Army and the Navy with these reform movements.

(2) The gradual transformation of every national activity into the shape of a general mobilization system resulting from the protraction of the China Incident, and a shifting to a complete wartime structure after the outbreak of the Pacific War, enhanced the voice of the military authorities.

(3) In connection with these factors, the independence of the Supreme Command, which was an important provision of the Japanese constitution, made the military also a powerful force within the political sphere.

With the aforementioned elements, the first item, namely, the state of affairs at and around the times of the Manchurian Incident, I had no direct concern, but I am able to state my observations as one interested in the fate of my country.

The free trade system was broken down after World War I by dint of overproduction and the extreme selfish protective policy of the big Powers. In consequence of this collapse of free trade, Japan was confronted with the decline and decay of capitalism based on liberalism, which might be regarded as a great turning point in her history. Thus the national economy of Japan sustained a severe blow and the life of the people was extremely



impoverished. Moreover, the current of worldwide unrest expanded and overflowed into this country. In reality, Japan was impelled, against her will, into the midst of an evolutionary period.

Generally speaking, two types of movement took place in Japan during this metamorphosis. One was a radical and violent revolutionary movement; the other a moderate movement aimed at the improvement of capitalism. The group comprising the radical and violent revolutionists attempted daringly to make use of soldiers or an army unit, and, further to incite and involve young officers, as in the cases of the 15 May Incident (of 1932) and the 26 February Incident (1936). Those incidents sprung from the poor and miserable life of farmers, villagers and fishermen, which was reflected upon the army through the <sup>seen</sup> soldiers who had/drawn from among that strata of society, and some younger officers who happened to sympathize with them. However, such acts of violence as the 26 February Incident, being considered as a deterioration of military discipline and of defiance to the national constitution, and, presaging dreadful consequences, a thorough military purge was performed and the offenders were punished by War Minister Terauchi of the Hirota Cabinet, and individual interference in politics by military men thereafter strictly forbidden. Moreover, the War Minister, in his capacity, and upon his responsibility as a member of the Cabinet, demanded that the Government formulate and implement policies to eliminate this cause of social uneasiness (i.e. the poverty of the people and the resultant confusion of thought.)



The ordinance requiring Army and Navy Ministers to be officers on the active list, one of the issues raised by the Prosecution, was revived for this purpose as well as for the need of an effective military purge. Under these circumstances, the military authorities were given a voice in the political field. This was merely a natural outcome, arising from the political surroundings, and was never the result of the ambitions of any person in the military organization with intentions to control politics by means of the technique alleged by the Prosecution.

Next, the second point with respect to the gradual transformation of our national activity towards a general mobilization as prompted by the prolongation of the China Incident and the urging of the military authorities, along with the wartime organization necessitated by the outbreak of the Pacific War. As one who was concerned, I shall explain the particulars here.

As a natural sequence of the above events, and the war, the management of state affairs and administration began to move toward a successful prosecution of the hostilities as its final objective. This naturally revolved around the Army and the Navy as its center. Particularly, since the institution of Imperial Headquarters in November 1937 the Military authorities gained great power in politics due to the above reasons, in conjunction



also with the reasons hereinafter considered under the third factor referred to. This tendency was a logical outcome of the concentration of full national strength aimed at the victory we hoped to attain as the object, since its inception, of the Pacific War. If there be some who consider the Military authorities tyrannical in that situation it might be said to be only a difference of opinion, based upon insufficient information. There was no criminal element in the above participation, and I cannot, as one who knows the facts, agree to the assertion that a criminal military clique dominated the politics of Japan.

Finally, I should mention point (3) concerning the independence of the Supreme Command. According to the old constitution, military operations and military strategy, that is the Supreme Command, were not implied under the meaning of state affairs, and they were placed independently outside the scope of it, excluding any interference from the civil administration. That was a system peculiar to Japan, which never could have a counterpart in any modern nation today. Accordingly, so far as the Supreme Command was concerned the Government had no authority to restrict or direct it but could merely try to coordinate the civil administration and the High Command by means of Liaison Conferences or Imperial Conferences or both. Furthermore, any such coordination could not be permitted to include operations and tactics, which constitute the



essence of war. Consequently, once hostilities started, they were in <sup>all</sup> cases carried on solely in accordance with the unilateral decisions of the Supreme Command; the Civil Government served only to supply what the High Command demanded, thus always yielding to the latter's will. In modern times, war must need be prosecuted on the scale of a global war, requiring mobilization of all the potentials of a nation, differing decidedly from that at the time when the system of the independence of the High Command was instituted. Indeed, Japan had no organ politically even to restrain the High Command from plunging the nation into hostilities, much less no such authoritative sanction that might master and employ the High Command at its own will. This is the reason why every successive Cabinet worried and speculated on how to adjust and coordinate ordinary civil affairs and the High Command. Being anxious to get rid of the above inconsistency, I dared accept the position of the Chief of the General Staff in February 1944 in addition to the Premiership. It was rather too late, then, I regret, to accomplish very much, but by this means even, I could not put a finger in matters affecting the Naval High Command.

The resultant effect of the system, therefore, was an increased influence of the military authority, especially that of the Imperial General Headquarters, on the decisions and management of ordinary state affairs and administration. This result, too,



was an indispensable consequence of the nature of global war and modern operation, so at the same time it was a question of merit or demerit of the given institution. But at any rate no observation is farther from the truth than that a criminalistic military clique in those days dominated and directed the internal and foreign policies of Japan.

MY POLICY TO MAINTAIN MILITARY DISCIPLINE

154. As the deplorable incidents of 15 May 1932 and 26 February 1936 suggested a tendency for military officers' to interfere in politics and to foster factional relationships, the Army authorities were forced to handle these cases sternly. At the time the 26 February Incident broke out I was on duty as Commander of Military Police of the Kwantung Army. Upon receiving information from Tokyo I immediately ordered a thorough investigation of all military as well as civilian personnel suspected of having any connection with the outbreak, and endeavored to maintain the highest military discipline, and to keep law and order to a high level. War Minister Terauchi took decisive measures to maintain military morale, prohibiting strictly any kind of participation by military men in politics, and prevented firmly the growth of factional relationships in military circles. Successive War Ministers all adhered fully to the same policy. I also supported this policy rigidly. In order to check the growth of factional relationships in military



circles, I made every endeavor, in dealing with personnel affairs, to put the right man in the right post, considering only ability and experience, regardless of individual relationship or favoritism. In view of the characteristics of the military institution, I stressed the practical use of organization and system, that is to say, I respected highly every one's rights and responsibilities in his position, and endeavored to enforce due and correct sequence of command and the business of each office. I also strictly prohibited military men from meddling in political affairs. Above all, since my assumption of the Premiership, I prevented severely any confusion of affairs between the War Ministry and the Cabinet, so that both of them might not interfere with each other. It was true that the political organization of Japan was in a state of general mobilization or of total war standing during my tenure of office as War Minister and as Prime Minister, but there was never at any time political control or domination by a military clique.



155. On U.S.S.R. and Comintern. Japan never intended to invade U.S.S.R., which the prosecution has asserted, not to mention her real action. Rather she has been bent on defense against Russian aggression in East Asia in a very timorous manner. Especially after the establishment of Manchukuo in 1932, has Japan devoted herself to the security and defense of Manchuria against U.S.S.R., her neighbor, in cooperation with her, according to the Joint Defence Agreement between Japan and Manchukuo as well as for the necessity of her defence. And to attain this object, the Japanese army placed the aim of her military preparations mainly at the Russian army in the East. Accordingly, the nature of the operation plan of the Japanese army towards U.S.S.R. was essentially defensive. It is true that the plan contained some offensive operational measures, but they were preparations and intentions for action in case that Japan was by any chance forced to open the war and never meant that she would open the war. It was, of course, not a design of aggression. In addition Japan has never considered Siberia as a part of the Great East Asia Co-Prosperity Sphere as the will of the nation. The so-called plan of "KAN TOKU EN" has been presented to this court as prosecution evidence but it does not exceed this scope. It was one plan of replenishing materials and personnel.

On the other hand, Japan's policy towards Soviet Russia has been based on a consistent principle to always 'keep tranquility' in her relation with Russia. After the outbreak of the China Incident



followed by the Pacific War, Japan paid close attention not to create any trouble in the North, and especially after the conclusion of the Russo-Japanese Neutrality Treaty in April 1940, it was the fundamental principle of our peace policy towards Russia to keep the Treaty firmly. It was not Japan that broke the Treaty and committed aggression in August 1945 when its terms were still valid.

Japan also had held deep concern in the fact that the influence of the Third International began to pervade through East Asia. For she had been anxious for long that, unless the infiltration of Communistic policy into East Asia be checked, her public peace would be destroyed and the stabilization in East Asia upset to menace world peace. For this reason she enacted the Public Peace Maintenance Law in 1925, under the WAKATSUKI Cabinet, as one of her fundamental domestic policies, and revised it in 1941 with the view to take precautions for plots to revolutionize the national constitution, protect private property and provide against its destruction by Communism. Again in the way of foreign policy, she reflected and realized the fact that the activities of the Chinese Communists Party was one of the important causes preventing the establishment of peace between Japan and China in the China Incident. Thus, she made the joint prevention of Communism one of the conditions for the settlement of the Incident and also made the prevention of Communism the common essential policy among the independent states in East Asia. These



were all done with the view to save East Asia from the danger of Bolshevization by the cooperation of the countries in East Asia and at the same time to make herself a barrier against World Bolshevization. The present condition of the world two years after the end of World War II eloquently tells how important these /barriers were for the peace of the world.

In this comparatively extended statement, necessarily long because of the comprehensive and vital problems involved, I have attempted, under some imposed difficulties, to give to the members of this Tribunal, international in scope, and, I hope, in understanding, the exact position of Japan during its most critical period in world history, and the honest endeavors of its legally selected officials to formulate and activate some program within their administrative limitations to safeguard the national honor of the Empire.

In so doing I have portrayed the reasons and the causes leading up to the Pacific War, asserting with strong convictions from a thorough knowledge of the facts that the fruitless and devastating war that broke out on December 8, 1941 was absolutely provoked by the allied powers to force America into the European conflict, and that it was an unavoidable war of self-defense insofar as my country was concerned. There were other reasons why European powers with rich interests in East Asia desired United States participation, including China, all



of which I have alluded to in my testimony, but there is no doubt in my mind that our decision to make war was made only as a last resort, and by reason of urgent necessity.

I have, furthermore, attempted in an abridged fashion to indicate the utter absurdity of an underlined, consistent plan of aggression on the part of Japan extending throughout the Manchurian and China Incidents and into the manifold ramifications of the Pacific War. As can be readily observed from the fundamental and unchangeable administrative processes in Japan such a scheme or so-called conspiracy (which is unknown in our country) formed by a few officials among many, and continued with concentrated purpose over a long period of years, through numerous Cabinet changes, is unthinkable to persons of reason and intelligence. I fail utterly to understand the reasoning of the Prosecution in this fantastic accusation.

There have been many pages of testimony introduced here in a vain attempt to prove that the East Asia policy advocated by Japan was aggressive in nature and was superimposed upon a plan to inaugurate the Pacific War and drive the white race from their fruitful field in East Asia. My testimony in this particular should be crystal clear as to the real intent of that logical and natural incentive.

I have attempted to cover in some degree the particular questions pertaining to international



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law and the beginning of hostilities in the Pacific War, and also to the peculiar system in Japan relative to Government and the High Command, and especially the exact position and responsibilities of the Emperor in our system of national affairs. I hope my explanations thereto may be of benefit to the Tribunal in judging the guilt or innocence of myself and my fellow accused.

In concluding my evidence at this and perhaps the only time permitted to me under the rules of this Court, may I reiterate that the policy of Japan, and certainly the choice of her duly constituted officials of state, involved neither aggression nor exploitation. Step by step, through numerous legally selected Cabinets, and without a variance in regularly constituted governmental procedure, our country finally was brought face to face with stark reality, and to us who at that period were weighted with the duty of deciding the fate of our nation, a war of self-existence was our only alternative. We staked the fate of our country on that decision and lost, bringing about the present plight as we see it before our eyes.

The query as to whether or not the war was a just one considered from the viewpoint of international law and the responsibility for defeat are two different matters clearly distinguishable. The former is a problem between foreign countries and a legal one, but I believe firmly and will contend to the last that it was a war of self-defense and in no manner a violation of presently acknowledged



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international law. Never at any time did I ever conceive that the waging of this war would or could be challenged by the victors as an international crime or that regularly constituted public officials of the vanquished nation would be charged individually as criminals under any recognized international law or under alleged violations of treaties between nations.

As to the other question, the responsibility for defeat, I feel that it devolves upon myself as Premier. The responsibility in that sense I am not only willing but sincerely desire to accept fully.



O A T H

In accordance with my conscience I swear to tell the whole truth, withholding nothing and adding nothing.

TOJO, Hideki (Seal)

On this 19th day of December 1947

At Tokyo

Deponent: TOJO, Hideki

I, Ichiro Kiyose, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Ichiro Kiyose (Seal)

Translation Certificate

I, Ichiro Kiyose, of the defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Ichiro Kiyose (Seal)

Tokyo  
19 December 1947

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